

Regulations and other acts

Gouvernement du Québec

O.C. 1251-99, 17 November 1999

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

Amendment to Schedule II.1 to the Act

Amendment to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under paragraph 6 of section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the plan applies to an employee who is released without pay by his employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that schedule in respect of that body;

WHEREAS under the first paragraph of section 220 of that Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and any such order may have effect 12 months or less before it is made;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 and its subsequent amendments, determines, in accordance with subparagraph 25 of the first paragraph of section 134 of that Act, the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1;

WHEREAS the Association des professeurs de Lignery meets those conditions;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the Amendment to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Amendment to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan^(*)

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 220, 1st par.)

1. Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the following association in alphabetical order: “the Association des professeurs de Lignery”.

2. This Amendment comes into force on the date it is made by the Government but takes effect 12 months before that date.

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Gouvernement du Québec

O.C. 1255-99, 17 November 1999

An Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1)

Controlled zones

- Hunting and fishing
- Salmon fishing
- Wildfowl hunting

Regulation respecting hunting and fishing controlled zones, Regulation respecting salmon fishing controlled zones and Regulation respecting wildfowl hunting controlled zones

WHEREAS under section 110 and paragraph 14 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended

^(*) Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the last updating of the Revised Statutes of Québec to 1 April 1998, by Orders in Council 1525-98 dated 16 December 1998 (1998, G.O. 2, 4802), 467-99 dated 28 April 1999 (1999, G.O. 2, 1161), 633-99 dated 9 June 1999 (1999, G.O. 2, 1633), 819-99 dated 7 July 1999 (1999, G.O. 2, 2060) and 947-99 dated 25 August 1999 (1999, G.O. 2, 2853).

WHEREAS under section 110 and paragraph 14 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended by section 22 of Chapter 29 of the Statutes of 1998, the Government may make regulations on the matters mentioned therein respecting controlled zones;

WHEREAS in accordance with section 110 of the Act respecting the conservation and development of wildlife, the Government made the Regulation respecting controlled zones by Order in Council 122-89 dated 8 February 1989;

WHEREAS it is expedient to replace that Regulation by the three Regulations attached hereto regarding respectively hunting and fishing controlled zones, salmon fishing controlled zones and wildfowl hunting controlled zones;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), drafts of the Regulation respecting hunting and fishing controlled zones, the Regulation respecting salmon fishing controlled zones and the Regulation respecting wildfowl hunting controlled zones were published in Part 2 of the *Gazette officielle du Québec* of 14 April 1999 with a notice that they could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation respecting hunting and fishing controlled zones, the Regulation respecting salmon fishing controlled zones and the Regulation respecting wildfowl hunting controlled zones, attached to this Order in Council, with amendments, and to replace the Regulation respecting controlled zones made by Order in Council 122-89 dated 8 February 1989;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Wildlife and Parks:

THAT the Regulation respecting hunting and fishing controlled zones, the Regulation respecting salmon fishing controlled zones and the Regulation respecting wildfowl hunting, attached to this Order in Council, be made as replacement for the Regulation respecting controlled zones made by Order in Council 122-89 dated 8 February 1989.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting hunting and fishing controlled zones

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 110, 1st par., subpars. 5.3, 5.4, 6 and 2nd par. and 162, par. 14; 1998, c. 29, s. 22)

DIVISION I INTERPRETATION AND SCOPE

1. In this Regulation,

“agency” means an agency that is a party to a memorandum of agreement in respect of the management of a controlled zone in accordance with section 106 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1); (*organisme*)

“ZEC” means a controlled zone, other than a salmon fishing ZEC or a wildfowl hunting ZEC, established for the purposes of hunting and fishing, in accordance with section 104 of the Act; (*ZEC*)

“hunting implement” means any implement referred to in the Regulation respecting hunting made by Minister’s Order 99021 dated 27 July 1999; (*engin de chasse*)

“hunting season” means a hunting season referred to in the Regulation respecting hunting; (*période de chasse*)

“limited access sector” means a sector in a controlled zone for which an agency sets by by-law a limit on the number of hunting parties that may enter to hunt moose; (*secteur à accès contingenté*)

“small game” means that referred to in section 1 of the Regulation respecting hunting. (*petit gibier*)

2. This Regulation applies to hunting and fishing controlled zones mentioned in Schedule I and to those that will be established from the date of coming into force of this Regulation.

DIVISION II REGISTRATION AND ASSIGNMENT

3. An agency may, by by-law, determine the cases where a person who, for recreational purposes, enters or stays in a ZEC under its management or engages in any other activity therein, shall be required to register.

Such person shall comply with the following registration procedure:

- (1) report to the designated reception centre;
- (2) show identification and, where applicable, his hunting or fishing licence to the registration officer and give his name and address;
- (3) specify to the officer a single location or, where applicable, a single sector in which he will be hunting or fishing and the date of the activity, for each day of hunting or fishing;
- (4) obtain from the officer proof of registration and place it on the dashboard of his vehicle so that it may be read from the outside or keep it with him and produce it upon request from a wildlife conservation officer, a wildlife conservation assistant or an area warden; and
- (5) return the duly completed registration to the registration officer on leaving the controlled zone.

A person may change hunting or fishing locations or sectors without paying additional fees by having his registration changed by the registration officer prior to the activity.

The third paragraph does not apply to a person who hunts moose in a limited access sector.

- 4.** Where registration is required in accordance with section 3 and no registration officer is on duty, the person shall fill out the registration form available at the reception centre and deposit it at the designated place.
- 5.** An agency may, by by-law, divide the ZEC territory into hunting sectors according to a given species or into fishing sectors.
- 6.** An agency may, by by-law, prohibit in a hunting sector and for such time as it determines,
 - (1) black bear hunting;
 - (2) small game hunting during the hunting season for moose with a hunting implement authorized under the Regulation respecting hunting except for the snaring of hare and hunting for migratory game birds under the Migratory Birds Convention Act (S.C., 1994, c. 22).
- 7.** A person may not hunt or fish in a ZEC except on the date, in the location or, where applicable, sector specified on the registration.

At the end of his stay, a person shall declare to the registration officer the number of animals or fish of each species taken, the date and location where they were

taken, and shall also produce the fish or animals on request from the officer and allow any required handling or sampling.

In the case provided for in section 4, a person shall make that declaration on the form provided at the reception centre and deposit it at the designated place.

DIVISION III LIMITED ACCESS SECTORS

8. An agency may, by by-law, for moose hunting during the hunting season with a Type 1 implement, limit the number of hunting parties that may be admitted at the same time into each of the sectors it has established and the number of hunters per party, provided it does so for the whole ZEC and for the entire duration of the hunting season with that type of implement.

The number of hunting parties that may be admitted at the same time for each stay the duration of which is set pursuant to section 13 shall be equal to or greater than the number arrived at by using the following formula:

$$\text{Number of hunting parties} = \frac{\text{Area of the ZEC in km}^2}{(\text{number of days in the moose hunting season using a Type 1 hunting implement}) \times 3}$$

- 9.** In order to hunt in a limited access sector, a person shall be part of a party selected in accordance with section 10.
- 10.** An agency shall select moose hunting parties and prepare a waiting list to fill cancellations by a draw of lots held each year not less than three months before the beginning of the hunting season.
- 11.** At least one month prior to selecting parties, the agency shall publish the terms and conditions for participating in the draw of lots in two Québec newspapers, one of which with a province-wide circulation and the other circulated in the region of the ZEC or in the nearest region, if there is no newspaper in the region.
- 12.** At the draw of lots, a person shall be put in charge of each selected hunting party and each party shall be assigned a stay and a hunting sector.
- 13.** The person in charge of a selected party shall be assigned one reservation only per year by the agency for a minimum of three hunters and for three to seven consecutive days.

14. No person who hunted moose in a limited access sector during the hunting season with Type 1 hunting implements may hunt moose again in the ZEC to which that sector belongs within the same year.

15. The person in charge of a selected party may designate a substitute at any time before the beginning of the stay after notifying the agency.

DIVISION IV FEES PAYABLE

16. The fees payable by a person applying for membership that may be set by by-law of an agency shall not be less than \$10 nor more than \$20.

17. A person may not fish or hunt in a ZEC unless he has paid the fees set by by-law of the agency; those fees shall not exceed the following amounts or, in the case of a non-resident, those set under section 24:

(1) \$16.50 per day for fishing from 1 December to 15 April;

(2) \$16.50 per day for fishing from 16 April to 30 November;

(3) \$16.50 per day for hunting, other than white-tailed deer, moose, caribou or black bear hunting;

(4) \$27.50 per day for white-tailed deer hunting;

(5) \$27.50 per day for moose hunting;

(6) \$27.50 per day for caribou hunting;

(7) \$27.50 per day for black bear hunting.

Where the agency fails to set the daily fees for white-tailed deer, moose, caribou or black bear hunting, a person shall pay the corresponding lump-sum fee set under section 21.

18. Section 17 does not apply to a Native person who enters a ZEC to travel to his trapping grounds located in a beaver reserve for the purpose of carrying out activities related to trapping.

19. No person may use a vehicle to travel in a ZEC unless he has paid the travel fees set by by-law of the agency, which shall not exceed, subject to section 22,

(1) \$5.50 per vehicle; and

(2) \$3.00 more per vehicle where a person enters or leaves the ZEC between 10:00 p.m. and 7:00 a.m.

The first paragraph does not apply to

(1) a person travelling in a ZEC in the performance of his duties;

(2) a person who travels in a ZEC solely to reach a principal residence or private property that is not part of the ZEC and come back from there;

(3) a person whose travel fees have been paid, in accordance with section 106.2 of the Act respecting the conservation and development of wildlife, by an outfitter, an agency or a recreational association;

(4) a person who just travels through a ZEC, and for whom the corresponding travel fees are paid to the agency by another person, an association or a group;

(5) a person who travels in a ZEC to reach lands in the public domain on which exclusive trapping rights only are granted or to reach a beaver reserve for the purpose of carrying out activities related to trapping, and to come back from there; and

(6) a lessee of exclusive trapping rights or his helper who travels in a ZEC for the purpose of carrying out activities related to trapping.

20. An agency may, by by-law, set for the benefit of its members a seasonal lump-sum fee for fishing, an annual lump-sum fee for hunting and an annual lump-sum fee for the practice of all activities mentioned in paragraphs 1 to 7, provided that the agency sets a fee for each activity set forth hereunder, not to exceed

(1) \$108.00 for fishing from 1 December to 15 April;

(2) \$108.00 for fishing from 16 April to 30 November;

(3) \$108.00 for hunting, other than white-tailed deer, moose, caribou or black bear hunting;

(4) \$180.00 for white-tailed deer hunting;

(5) \$180.00 for moose hunting;

(6) \$180.00 for caribou hunting;

(7) \$180.00 for black bear hunting;

(8) \$360.00 for all activities prescribed under paragraphs 1 to 7.

21. Where an agency does not set daily fees for white-tailed deer, moose, caribou or black bear hunting,

it shall set by by-law an annual lump-sum fee to be paid by all persons for those activities. The amount of the lump-sum fee shall not exceed the amounts provided for in section 20.

The lump-sum fees set by the agency in accordance with the first paragraph or with section 20 shall apply to the whole territory of the ZEC.

22. An agency may, by by-law, set an annual lump-sum fee for the benefit of a person, his spouse and minor children not to exceed \$72 for the use of a vehicle in a ZEC under its management.

The payment of the lump-sum fee does not exempt the person paying it from paying the fee referred to in subparagraph 2 of the first paragraph of section 19.

23. Where an agency sets an annual lump-sum travel fee under the first paragraph of section 22, any lump-sum fee set under paragraph 8 of section 20 shall include the right to travel.

24. An agency may, by by-law, increase the fees payable by non-residents up to twice the fees set by the agency for residents under this Division.

This section does not apply to travel fees prescribed in sections 19 and 22.

25. As provided for in the second paragraph of section 110 of the Act respecting the conservation and development of wildlife, the fees which may be set by an agency under this Division may vary according to the criteria referred to in that paragraph.

DIVISION V VEHICLES

26. An agency may, by by-law, prohibit for a given period the use of any type of vehicle for competitions, races or rallies.

27. An agency may, by by-law, prohibit the recreational use of an all-terrain vehicle within the meaning of subparagraph 2 of section 1 of the Act respecting off-highway vehicles (R.S.Q., c. V-1.2) during the moose or white-tailed deer hunting season with a hunting implement authorized under the Regulation respecting hunting, except where the vehicle is used to recover the carcass of the animal.

DIVISION VI HUNTING IMPLEMENT

28. A forest worker working in a ZEC may be in possession of a hunting implement provided that he has registered in accordance with any by-law made pursuant to section 3 and paid the fees required under a by-law made pursuant to Division IV.

DIVISION VII PENAL

29. Any person who contravenes any of sections 3, 4, 7, 9, 14, 17, 19 and 28 or a by-law made by an agency pursuant to section 6, 26 or 27 is guilty of an offence.

DIVISION VII TRANSITIONAL AND FINAL

30. Where the territory of a ZEC that has been divided into sectors for hunting or fishing and such territory is enlarged by the Minister, that enlargement shall constitute an additional hunting or fishing sector, as the case may be, until such time as a by-law respecting that enlargement, made by the agency under section 5, comes into force.

For the purposes of this section, where the added territory is made up of separate areas, each area shall be deemed to constitute a separate sector.

31. The by-laws made by an agency managing a hunting and fishing ZEC under the provisions of the Regulation respecting controlled zones, made by Order in Council 122-89 dated 8 February 1989, shall remain into force until they are amended, replaced or revoked by a by-law of that agency made under the provisions of this Regulation.

32. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE I (a. 2)

HUNTING AND FISHING CONTROLLED ZONES

- Anse Saint-Jean
- Bas-Saint-Laurent
- Batiscan-Neilson
- Bessonne
- Borgia

- Boullé
- Bras-Coupé-Désert
- Buteux-Bas-Saguenay
- Cap-Chat
- Capitachouane
- Casault
- Chapais
- Chapeau-de-Paille
- Chauvin
- Collin
- Des Anses
- Des Martres
- Des Nymphes
- Des Passes
- Dumoine
- Festubert
- Forestville
- Frémont
- Gros-Brochet
- Iberville
- Jaro
- Jeannotte
- Kipawa
- Kiskissink
- Labrieville
- Lac au Sable
- Lac-Brébeuf
- Lac de la Boîteuse
- La Croche
- La Lièvre
- Lavigne
- Le Sueur
- Louise-Gosford
- Maganasipi
- Maison de Pierre
- Mars-Moulin
- Martin-Valin
- Matimec
- Mazana
- Menokeosawin
- Michinamécus
- Nordique
- Normandie
- Onatchiway-est
- Owen
- Petawaga
- Pontiac
- Rapide-des-Joachims
- Restigo
- Rivière aux Rats
- Rivière-Blanche
- Saint-Patrice
- Tawachiche
- Trinité
- Varin
- Wessonneau
- York-Baillargeon

Regulation respecting wildfowl hunting controlled zones

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 110, 1st par., subpars. 5.3, 6 and 2nd par. and 162, par. 14; 1998, c. 29, s. 22)

DIVISION I INTERPRETATION AND SCOPE

1. In this Regulation,

“agency” means an agency that is a party to a memorandum of agreement in respect of the management of a controlled zone in accordance with section 106 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1); (*organisme*)

“limited access sector” means a sector in a wildfowl hunting controlled zone for which an agency sets by-law a limit on the number of hunting parties that may enter to hunt wildfowl; (*secteur à accès contingenté*)

“wildfowl” means migratory game birds within the meaning of section 3 of the Migratory Birds Convention Act (S.C. 1994, c. 22) whose hunting is governed by the Migratory Birds Regulations (C.R.C., c. 1035); (*sauvagine*)

“ZEC” means a controlled zone established for the purposes of wildfowl hunting in accordance with section 104 of the Act respecting the conservation and development of wildlife. (*ZEC*)

2. This Regulation applies to the Montmagny snow goose wildfowl hunting controlled zone and to wildfowl hunting controlled zones that will be established as of the date of coming into force of this Regulation.

DIVISION II REGISTRATION AND ASSIGNMENT

3. An agency may, by by-law, determine the cases where a person who, for recreational purposes, enters or stays in a ZEC under its management or engages in any other activity therein shall be required to register.

Such person shall comply with the following registration procedure:

(1) report to the designated reception centre;

(2) show identification and, where applicable, his hunting licence to the registration officer and state his name and address;

(3) obtain from the officer a proof of registration and place it on the dashboard of his vehicle so that it may be read from the outside or keep it with him and produce it upon request from a wildlife conservation officer, a wildlife conservation assistant or an area warden; and

(4) return the duly completed registration to the registration officer on leaving the controlled zone.

4. An agency may, by by-law, divide a ZEC territory into wildfowl hunting sectors.

5. A person shall not hunt in a ZEC except on the date and in the blind, location or, where applicable, sector specified on the proof of registration.

At the end of his stay, a person shall declare to the registration officer the number of birds of each species taken, the date, blind and location where they were taken, and shall produce the birds on request and allow any required handling or sampling.

DIVISION III LIMITED ACCESS SECTORS

6. An agency may, by by-law, limit the number of hunting parties to be admitted at the same time in each of the sectors that it has established, determine the number of hunters permitted per blind, and impose a requirement to hunt from a blind assigned by the agency.

The number of hunting parties that may be admitted at the same time shall be equal to or greater than the number arrived at by using the following formula:

$$\text{Number of hunting parties} = \frac{\text{length of the bank or shore of the ZEC in metre}}{600}$$

7. In order to hunt in a limited access sector, a person shall be part of a party selected in accordance with section 8 or shall have been selected in accordance with section 13.

8. An agency shall select hunting parties according to the following procedures:

(1) on an optional basis, for the daily selection of not more than 20 % of the number of hunting parties that may be admitted each day into all the limited access sectors of the ZEC, according to the method of assignment determined by by-law of the agency;

(2) for the selection of not less than two thirds of the number of parties that may be admitted each day into all

the limited access sectors of the ZEC, by a draw of lots held each year or by telephone reservation not less than two months before the beginning of the wildfowl hunting season;

(3) for groups not selected pursuant to paragraph 1, if applicable, and paragraph 2, by telephone reservation or by a draw of lots two days before the hunt;

(4) if there are vacancies following the selections made in accordance with paragraph 1, if applicable, and paragraphs 2 and 3, by telephone reservation the day before the hunt;

(5) if there are vacancies following the selections made in accordance with paragraph 1, if applicable, and paragraphs 2 to 4, by a draw of lots on the day of the hunt among the persons present at the reception centre.

9. At least one month prior to selecting hunting parties, the agency shall publish the terms and conditions for participating in the draw of lots or for making reservations by telephone in two Québec newspapers, one of which with a province-wide circulation and the other circulated in the region of the ZEC or in the nearest region if there is no newspaper in the region.

10. At the time of the draw of lots, a person shall be put in charge of each party selected to which a hunting date shall be assigned. A sector or blind shall be assigned to each party by a draw of lots on the premises on the day of the hunt.

11. A person who, pursuant to paragraph 2 of section 8, is selected by a draw of lots or makes a reservation by telephone shall be allotted one reservation for a maximum of four persons and for a maximum stay of two consecutive days.

12. The person selected in accordance with section 8 may designate a substitute, at any time before the beginning of the stay, after notifying the agency.

DIVISION IV ASSIGNMENT FOR PROMOTIONAL PURPOSES

13. Notwithstanding Division III, an agency may assign a number of hunters in any sector of the ZEC for promotional purposes according to the procedure it determines by by-law; the number of hunters so assigned shall not exceed 2 % of the total number of hunting days in the ZEC during the preceding year and provided that the maximum referred to in paragraph 1 of section 8 is complied with.

DIVISION V FEES PAYABLE

14. The fees payable by a person applying for membership that may be set by by-law of an agency shall not be less than \$10 nor more than \$20.

15. A person may not hunt wildfowl in a ZEC unless he has paid the fees set by by-law of the agency; those fees shall not exceed the following amounts or, in the case of a non-resident, those set under section 16:

(1) \$66 per day;

(2) \$125 per day in a limited access sector for which the selection of hunters is made in accordance with paragraph 1 of section 8; or

(3) \$1 000 per day in any sector for which the selection of hunters is made in accordance with section 13.

The fees referred to in subparagraph 3 of the first paragraph may be charged only where it is part of a fund-raising activity of a nonprofit organization.

16. An agency may, by by-law, increase the amount of the fees payable by non-residents to up to twice the amount set by the agency for a resident pursuant to this Division.

17. As provided in the second paragraph of section 110 of the Act respecting the conservation and development of wildlife, the fees which may be set by an agency under this Division may vary according to the criteria referred to in that paragraph.

DIVISION VI PENAL

18. Any person who contravenes any of sections 3, 5, 7 or 15 is guilty of an offence.

DIVISION VII TRANSITIONAL AND FINAL

19. Where the territory of a ZEC that has been divided into sectors for wildfowl hunting is enlarged by the Minister, that enlargement shall constitute an additional hunting sector until such time as a by-law respecting that enlargement, made by the agency pursuant to section 4, comes into force.

For the purposes of this section, where the territory added is made up of separate areas, each area shall be deemed to constitute a separate sector.

20. The by-laws made by an agency pursuant to the provisions of the Regulation respecting controlled zones, made by Order in Council 122-89 dated 8 February 1989, shall remain in force until they are amended, replaced or revoked by a by-law of that agency made under the provisions of this Regulation.

21. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Regulation respecting salmon fishing controlled zones

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 110, 1st par., subpars. 5.3, 6 and 2nd par. and 162, par. 14; 1998, c. 29, s. 22)

DIVISION I INTERPRETATION AND SCOPE

1. In this Regulation,

“agency” means an agency that is a party to a memorandum of agreement in respect of the management of a controlled zone in accordance with section 106 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1); (*organisme*)

“limited access sector” means a sector in a controlled zone for which an agency sets by by-law a limit on the number of persons that may enter to fish; (*secteur à accès contingenté*)

“ZEC” means a controlled zone established for the purposes of salmon fishing in accordance with section 104 of the Act. (*ZEC*)

2. This Regulation applies to the salmon fishing controlled zones listed in Schedule I and to those that will be established after the coming into force of this Regulation.

DIVISION II REGISTRATION AND ASSIGNMENT

3. An agency may, by by-law, determine the cases where a person who, for recreational purposes, enters or stays in a ZEC under its management or engages in any other activity therein, shall be required to register.

That person shall comply with the following registration procedure:

(1) report to the designated reception centre;

(2) show identification and, where applicable, his fishing licence to the registration officer and state his name and address;

(3) specify to the officer a single location for each fishing day or, where applicable, a single sector in which he will be fishing, and the date of the activity;

(4) obtain proof of registration and place it on the dashboard of his vehicle so that it may be read from the outside or keep it with him and produce it upon request from a wildlife conservation officer, a wildlife conservation assistant or an area warden; and

(5) return the duly completed registration to the registration officer on leaving the controlled zone.

A person may change fishing sectors upon payment of the fees for fishing in the newly chosen sector; however, the sum of those fees may not exceed the maximum amount prescribed in paragraph 1 of section 15.

The third paragraph does not apply to a person who fishes in a limited access sector.

4. Where registration is required in accordance with section 3 and no registration officer is on duty, the person shall fill out the registration form available at the reception centre and deposit it at the designated place.

5. An agency may, by by-law, divide a ZEC territory into sectors for fishing salmon and other species of fish.

6. A person may not fish in a ZEC except on the date and in the location or, where applicable, sector specified on the proof of registration.

At the end of his stay, a person shall declare to the registration officer the number of fish of each species taken, the date and location where they were taken, and shall produce the fish on request and allow any required handling or testing.

Where no officer is available, a person shall make that declaration on the form provided at the reception centre and deposit it at the designated place.

DIVISION III

LIMITED ACCESS SECTORS

7. An agency may, by by-law, limit the number of fishermen that may be admitted each day in each of the sectors that it has established during the salmon fishing season.

The number of fishermen that may be admitted each day shall not be less than two fishermen per sector.

8. In order to fish in a limited access sector, a person shall have been selected in accordance with section 9 or section 13.

9. An agency shall select fishermen according to the following terms and conditions:

(1) on an optional basis, daily selection may be made according to the method of assignment determined by by-law of the agency, of not more than 20 % of the number of fishermen that may be admitted each day into all of the limited access sectors of the ZEC, from 20 June to 15 July; for the remainder of the year, that selection may exceed 20 % of the number of fishermen that may be admitted each day into all those sectors without exceeding 20 % of the number of fishermen that may be admitted each year into all the limited access sectors of the ZEC;

(2) for not less than half the number of fishermen that may be admitted each day into all the limited access sectors of the ZEC, selection shall be made by a random draw held each year or by telephone reservation, not less than two months before the beginning of the salmon fishing season;

(3) for fishermen not selected pursuant to paragraph 1, if applicable, and paragraph 2, selection shall be made by a random draw or by telephone reservation two days before the scheduled activity;

(4) if there are vacancies following the selections made in accordance with paragraph 1 or paragraphs 2 and 3, selection shall be made by telephone reservation the day before the scheduled activity; and

(5) if there are vacancies following the selections made in accordance with paragraph 1, if applicable, and paragraphs 2 to 4, selection shall be made by a draw of lots on the day of the activity among the persons present at the reception centre.

10. At least one month prior to selecting fishermen, the agency shall publish the terms and conditions for participating in the random draw or for making reservations by telephone in two Québec newspapers, one of which shall have a province-wide circulation and the other shall be circulated in the region of the ZEC or in the nearest region, if there is no newspaper in the region.

11. At the random draw, each person selected shall be assigned a rank for the choice of a date and fishing sector.

12. A person who, pursuant to paragraph 2 of section 9 is selected by a random draw or makes a reservation by telephone shall be allotted one reservation by the agency for a maximum of two persons for a maximum stay of four days, consecutive or not.

An agency must allow a selected person who so requests to reserve for two persons and for a stay of two consecutive or non-consecutive days in the same sector or in another sector offered by random draw or telephone reservation.

DIVISION IV ASSIGNMENT FOR PROMOTIONAL PURPOSES

13. Notwithstanding Division III, an agency may assign a number of fishermen to any sector of the ZEC for promotional purposes, according to the procedure it determines by by-law; the number of fishermen so assigned shall not exceed 2 % of the total number of fishing days in the ZEC during the preceding year and provided that the yearly maximum referred to in paragraph 1 of section 9 is complied with.

DIVISION V FEES PAYABLE

14. The fees payable by a person applying for membership that may be set by by-law of the agency shall not be less than \$10 nor more than \$20.

15. A person may not fish in a ZEC unless he has paid the fees set by by-law of the agency; those fees shall not exceed the following amounts or, in the case of a non-resident, those set under section 18:

- (1) \$38.50 per day in an open access sector;
- (2) \$82.50 per day in a limited access sector;
- (3) \$125 per day in a limited access sector for which the selection of fishermen is made in accordance with paragraph 1 of section 9; or
- (4) \$1 000 per day in any sector for which the selection of fishermen is made in accordance with section 13.

The fees referred to in subparagraph 4 of the first paragraph may be charged only where it is part of a fund-raising activity of a nonprofit organization.

16. To use a vehicle in a ZEC, a person shall pay the fees set by by-law of an agency, which shall not exceed:

- (1) \$5.50 per vehicle;

(2) \$3.00 more per vehicle where a person enters or leaves a ZEC between 10:00 p.m. and 7:00 a.m.

The first paragraph does not apply to

(1) a person travelling in a ZEC in the performance of his duties;

(2) a person who travels in a ZEC solely to reach a principal residence or private property that is not situated in the ZEC and come back from there;

(3) a person whose travel fees have been paid, in accordance with section 106.2 of the Act respecting the conservation and development of wildlife, by an outfitter, an agency or a recreational association;

(4) a person who just travels through a ZEC, and for whom the corresponding travel fees are paid to the agency by another person, an association or a group;

(5) a person who travels in a ZEC to reach lands in the public domain on which exclusive trapping rights only are granted or to reach a beaver reserve for the purpose of carrying out activities related to trapping, and to come back from there; or

(6) a lessee of exclusive trapping rights or his helper who travels in a ZEC for the purpose of carrying out trapping activities.

17. An agency may, by by-law, set for the benefit of any person an annual lump sum fee to travel in a ZEC not to exceed \$72. Such fee includes that of the spouse and minor children.

The payment of the lump-sum fee does not exempt the person paying it from paying the fee referred to in subparagraph 2 of the first paragraph of section 16.

18. An agency may, by by-law, increase the amount of the fees payable by non-residents to a maximum of twice the amount set by the agency for a resident pursuant to this Division.

This section does not apply to travel fees prescribed in sections 16 and 17.

19. As provided for in the second paragraph of section 110 of the Act respecting the conservation and development of wildlife, the amount of the fees which may be set by an agency under this Division may vary according to the criteria referred to in that paragraph.

DIVISION VI VEHICLES

20. An agency may, by by-law, prohibit for a given period the use of any type of vehicle for competitions, races or rallies.

DIVISION VII PENAL

21. Any person who contravenes any of sections 3, 4, 6, 8, 15 or 16 or a by-law made by an agency pursuant to section 20 is guilty of an offence.

DIVISION VIII TRANSITIONAL AND FINAL

22. Where the territory of a ZEC has been divided into sectors for fishing by a by-law made by an agency under section 5 and where such territory is enlarged by the Minister, the enlargement shall constitute an additional fishing sector until such time as a by-law respecting the enlargement, made by the agency pursuant to section 5, comes into force.

For the purposes of this section, where the enlargement is made up of separate areas, each area shall be deemed to constitute a separate sector.

23. The by-laws made by an agency managing a salmon fishing ZEC pursuant to the provisions of the Regulation respecting controlled zones, made by Order in Council 122-89 dated 8 February 1989, shall remain in force until they are amended, replaced or revoked by a by-law of that agency made under the provisions of this Regulation.

24. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE I (s. 2)

SALMON FISHING CONTROLLED ZONES

- Grande-Rivière
- Pabok
- Petite Rivière-Cascapédia
- Rivière-Bonaventure
- Rivière-Cap-Chat
- Rivière-Dartmouth
- Rivière-des-Escoumins
- Rivières-Godbout-et-Mistassini
- Rivière-Jacques-Cartier
- Rivière-Laval

- Rivière-Madeleine
- Rivière-à-Mars
- Rivière-Matane
- Rivière-Mitis
- Rivière-Moisie
- Rivière-Nouvelle
- Rivière-Petit-Saguenay
- Rivière-Rimouski
- Rivière-Sainte-Marguerite
- Rivière-Saint-Jean-du-Saguenay
- Rivière-de-la-Trinité
- Rivière-York

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Gouvernement du Québec

O.C. 1259-99, 17 November 1999

Criminal Code
(R.S.C., 1985, c. C-46)

Time limit to pay the victim surcharge

WHEREAS under section 737 of the Criminal Code (R.S.C., 1985, c. C-46), as replaced by section 20 of the Act to amend the Criminal Code (victims of crime) and another Act in consequence, chapter 25 of the Statutes of 1999, an offender who is convicted or discharged of an offence under that Act or the Controlled Drugs and Substances Act shall pay a victim surcharge, in addition to any other punishment imposed on the offender;

WHEREAS the amount of the surcharge is 15 per cent of any fine that is imposed on the offender for the offence or, if no fine is imposed on the offender, \$50 in the case of an offence punishable by summary conviction and \$100 in the case of an offence punishable by indictment;

WHEREAS the court may order an offender to pay a victim surcharge in an amount exceeding that set out above if the court considers it appropriate in the circumstances and is satisfied that the offender is able to pay the higher amount;

WHEREAS under subsection 737 (4) of the Code, the victim surcharge imposed in respect of an offence is payable at the time at which the fine is payable and, when no fine is imposed, within the time established by the lieutenant governor in council of the province in which the surcharge is imposed for payment of any such surcharge;