

DIVISION IX
PROFESSIONS, TRADES, INDUSTRIES,
BUSINESSES, OFFICES OR DUTIES INCOMPATIBLE
WITH THE DIGNITY OR PRACTICE OF
THE PROFESSION

78. A nurse may not sell, engage or participate for profit in any distribution of medications, equipment or products related to her or his professional activities, except in the following cases:

(1) where a sale of products or equipment is made in response to an immediate need of the client and is required for the care and treatment to be provided. In such case, the client shall be notified of any profit realized by the nurse upon the sale;

(2) where the nurse clearly distinguishes the place where care is provided from the place where the sale of products or equipment takes place and where her or his professional title is not associated with the commercial activities.

79. A nurse may not trade in products or methods that could be harmful to health or miracle treatments.

DIVISION X
GRAPHIC SYMBOL OF THE ORDER

80. Where a nurse reproduces the graphic symbol of the Order for advertising purposes, she or he shall ensure that such reproduction is in conformity with the original held by the secretary of the Order.

81. Where a nurse uses the graphic symbol of the Order for advertising purposes elsewhere than on a business card, she or he shall include the following warning in the advertisement:

“This advertisement does not originate with the Ordre des infirmières et infirmiers du Québec and is binding on the author only.”

Where a nurse uses the graphic symbol of the Order for advertising purposes, including on a business card, she or he may not juxtapose thereto or otherwise use the name of the Order, except to indicate that she or he is a member thereof.

CHAPTER II
FINAL PROVISIONS

82. This code replaces the Code of ethics of nurses (R.R.Q., 1981, c. I-8, r.4).

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

Gouvernement du Québec

O.C. 1515-2002, 18 December 2002

An Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2)

Regional county municipalities in the administrative region of Laurentides
— **Program for the delegation of the land and forest management of intramunicipal lands in the domain of the State**

Program for the delegation of the land and forest management of intramunicipal lands in the domain of the State to the regional county municipalities in the administrative region of Laurentides

WHEREAS the Government and the regional county municipalities in the administrative region of Laurentides have agreed, within the government policy on regional development, to increase the contribution of the intramunicipal lands in the domain of the State to the revitalizing, consolidation and economic development of the region and local municipalities;

WHEREAS one of the main measures put forward consists in the delegation of the management of intramunicipal lands in the domain of the State and some of their forest resources to the RCM in the region of Laurentides;

WHEREAS, as regards land management, the Government has already approved, by Order in Council 416-2000 dated 29 March 2000, a program developed by the Minister of Natural Resources under sections 17.13 to 17.16 of the Act respecting the Ministère des ressources naturelles (R.S.Q., c. M-25.2), amended respectively by sections 150 to 153 of chapter 6 of the Statutes of 2001, concerning a delegation of the management of intramunicipal lands in the domain of the State to regional county municipalities in the administrative region of Laurentides;

WHEREAS, as regards forest management, the Government also approved, by Order in Council 424-2000 dated 29 March 2000, under sections 10.5 to 10.8 of the Municipal Code of Québec (R.S.Q., c. C-27.1), the signing of an agreement by the Minister of Natural Resources respecting the transfer, on an experimental basis, of responsibilities in the field of forest management in the domain of the State to Municipalité régionale de comté d'Antoine-Labelle;

WHEREAS only Municipalité régionale de comté d'Antoine-Labelle signed an agreement respecting territorial management on 26 May 2000 with the Minister of

Natural Resources and the Minister of the Environment, in accordance with Orders in Council 416-2000 and 424-2000 and such management agreement must end five years after the date it is signed;

WHEREAS sections 17.13 to 17.16 of the Act respecting the Ministère des Ressources naturelles allow, in particular, the Minister of Natural Resources to develop, with the approval of the Government, programs for the development not only of the lands in the domain of the State under its authority but also the forest resources in the domain of the State, in order to promote regional development;

WHEREAS the third paragraph of section 17.14 of that Act allows the Minister, for the purposes of such programs, to the extent of and in accordance with their terms and conditions, to entrust the management of any land in the domain of the State that is under the Minister's authority and the property situated thereon or, in a forest reserve, the management of forest resources in the domain of the State, to a legal person, or entrust the management of the management permits for the harvest of firewood for domestic or commercial purposes, in a management unit, to a municipality; such legal person may in that case exercise the powers and responsibilities entrusted to it by the Minister that are defined in the program;

WHEREAS, under the same paragraph, the program shall identify, among the provisions of the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or among those of Divisions I and II of Chapter II of Title 1 of the Forest Act (R.S.Q., c. F-4.1), as concerns the management permits referred to in paragraphs 1, 2 and 5 of section 10 and those referred to in paragraph 5 of section 24 or in section 24.0.1 of that Act, of Divisions III and IV of that Chapter or of Division II of Chapter IV of Title I of that Act or of Title VI of the latter Act, the provisions whose application may be delegated to the legal person, as well as the powers and responsibility vested in the Minister that may be exercised by the legal person;

WHEREAS, under the fourth paragraph of section 17.14 of the Act respecting the Ministère des Ressources naturelles, where the management of land or forest resources in the domain of the State is entrusted to a municipality by the Minister in accordance with the third paragraph of section 17.14 of that Act, the Minister may, to the extent necessary to implement a program and according to the terms and conditions specified in the program, determine among the powers provided for in section 71 of the Act respecting the lands in the domain of the State or in section 171 of the Forest Act and in sections 171.1 and 172 of that Act, amended

respectively by sections 118 and 119 of chapter 6 of the Statutes of 2001, those that may be exercised by the municipality by by-law;

WHEREAS sections 14.12 and 14.12.2 of the Municipal Code of Québec, amended respectively by sections 136 and 137 of chapter 6 of the Statutes of 2001 allow any municipality that participates in a program developed by the Minister of Natural Resources to exercise the responsibility provided for in the program not only for any intramunicipal land in the domain of the State but also for certain forest resources in the domain of the State;

WHEREAS it is expedient to approve the program for the delegation of the land and forest management of intramunicipal lands in the domain of the State to the regional county municipalities in the administrative region of Laurentides;

WHEREAS it is expedient to entrust the administration of the program to the Minister of Natural Resources and that the planning aspect of the program be managed by the Minister in cooperation with the other departments and agencies involved;

WHEREAS it is expedient that the program applies to the whole territory of the administrative region of Laurentides, except to the territory of Municipalité régionale de comté d'Antoine-Labelle where the program approved by Order in Council 416-2000 and the experimental project approved by Order in Council 424-2000 will continue to apply until the term of the land management agreement signed with that RCM;

WHEREAS it is expedient that the program applies on the territory of Municipalité régionale de comté d'Antoine-Labelle only from the term of the land management agreement with Municipalité régionale de comté d'Antoine-Labelle or from the signing of a new land management agreement in accordance with the program;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources:

THAT the Program for the delegation of land and forest management of intramunicipal lands in the domain of the State to the regional county municipalities in the administrative region of Laurentides, attached to this Order in Council, be approved;

THAT the management of the program be entrusted to the Minister of Natural Resources, where it is understood that the planning aspect be managed by the Minister in cooperation with the other departments and agencies involved;

THAT the program applies to the whole intramunicipal territory of the administrative region of Laurentides, except to the territory of Municipalité régionale de comté d'Antoine-Labelle where the program, approved by Order in Council 416-2000 dated 29 March 2000 and the experimental project, approved by Order in Council 424-2000 dated 29 March 2000, will continue to apply until the term of the land management agreement or until the signing of a new land management agreement in accordance with the program governed by this Order in Council.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Program for the delegation of the land and forest management of intramunicipal lands in the domain of the State to the regional county municipalities in the administrative region of Laurentides

An Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2, ss. 17.13 to 17.16; 2001, c. 6, ss. 150 to 153)

1. OBJECTIVE OF THE PROGRAM

To promote regional development by developing intramunicipal lands in the domain of the State in the administrative region of Laurentides by entrusting their management and the management of some of their forest resources to the regional county municipalities in that region.

2. DEFINITIONS

For the purposes of this Program, unless the context indicates otherwise,

2.1. “territorial management agreement” means a multisectoral act of delegation whereby the Government transfers management powers and responsibilities provided for in the agreement to a regional county municipality (RCM) on certain conditions;

2.2. “Minister” means the Minister of Natural Resources; and

2.3. “Program” means this program, prepared under Division II.2 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2).

3. CONDITIONS OF ELIGIBILITY

To be eligible for the Program, a regional county municipality in the administrative region of Laurentides shall have

3.1. obtained a resolution of the Conseil régional de développement des Laurentides that recognizes that the delegation of certain management powers and responsibilities for certain parts of the intramunicipal land in the domain of the State located within the limits of the RCM constitutes, in the collective interest, a new management model which may increase the contribution of the territory in question to the regional and local development and that the proposed delegation complies with the regional strategic plan of the Conseil régional de développement des Laurentides;

3.2. adopted a resolution whereby the municipality states its acceptance of all the terms and conditions, commitments and obligations under the Program;

3.3. established, by by-law, a development fund under sections 688.7 to 688.9 of the Municipal Code of Québec (R.S.Q., c. C-27.1); and

3.4. created, by by-law, a multiresource committee in charge of advising the RCM and representing all interests related to the preservation of natural environment and to the development and use of the territory covered by the delegation. Furthermore, the voting powers of the committee should be apportioned fairly to prevent the committee’s decision from being directed by particular interests or groups.

4. TERRITORIAL JURISDICTION

4.1. The intramunicipal lands in the domain of the State on which the powers and responsibilities delegated under the Program shall be exercised are all the lots, parts of lots and any other part of the domain of the State including the buildings, improvements and movable property therein, as well as some of their forest resources, which are located in the administrative region of Laurentides, within the limits of the municipal territory of the region and are under the Minister’s jurisdiction. The lands are shown on the “Terres publiques intramunicipales déléguées” map for the Laurentides region dated March 2000.

4.2. The following are expressly excluded from the territory covered:

(1) the water domain, that is, the beds of lakes and watercourses up to the normal high water mark, including the water powers;

(2) flooded lands in the domain of the State, following the construction and maintenance of a dam or any work related to the dam or required for its operation;

(3) any right-of-way of a route or highway under the management of the Minister of Transport, including in particular its infrastructure and all the works useful for its development or management;

(4) any other land identified by the Minister;

(5) lands within common areas under supply and forest management contracts or forest development contracts at the time of the signing of this territorial management agreement, including those located within those areas and that may be the subject of sugar bush permits, vacation resort leases or any other right;

(6) lands on which public utility projects of an exclusive nature are planned in the short-term by the Gouvernement du Québec; and

(7) lands on which the Minister or the Gouvernement du Québec has granted rights in favour of the Government of Canada, or one of its departments or bodies.

The Jackrabbit Ecological Reserve in the MRC des Laurentides and threatened or vulnerable flower habitats under the authority of the Minister of the Environment are included in computing the area of territory covered, even if no other power or responsibility is delegated to the RCM. Powers to monitor, to put up signals and to educate respecting such ecological reserve might be delegated to that RCM through an addendum to the territorial management agreement.

Exceptional forest ecosystems, classified or whose classification is planned, under the authority of the Minister and located in the RCMs of the administrative region of Laurentides, shall be included in computing the area of the territory covered, even if no power or responsibility is delegated to the RCM.

4.3. Where land under the responsibility of an RCM is required for public use or interest or for any other purpose by order of the Government, or where land was incorrectly identified as included in intramunicipal lands in the domain of the State, the Minister may, after notification, exclude that land from the Program.

Such exclusion by the Minister could eventually lead to a fair compensation for any improvement made on that land by the RCM, at its own expense, without assistance from development funds or any government financial assistance program since the signing of the territo-

rial management agreement, as well as for any actual damage, without further compensation or indemnity for any loss of expected profits or revenues.

The lots currently under lease with Université de Montréal and located on the territory of the MRC des Pays-d'en-Haut shall be included in the territory covered, even if no power or responsibility is delegated to the RCM.

5. DELEGATED POWERS AND RESPONSIBILITIES

For the purposes of the Program, the Minister may delegate to an RCM the powers and responsibilities with respect to land planning and management and forest management referred to in sections 5.1, 5.2 and 5.3. That delegation is subject to the terms and conditions provided for in section 7.

The powers and responsibilities so delegated shall be exercised on all the lands identified by the Minister in a list attached to the territorial management agreement.

In addition to those lands, the Minister may, after notification, delegate the management of any other intramunicipal land in the domain of the State under the Minister's jurisdiction.

5.1. Planning

With respect to planning, the Minister shall delegate to the RCM the responsibility for planning the development and use of the public territory (intramunicipal lands in the domain of the State and its natural resources) covered by the territorial management agreement signed by the RCM for at least five years. To that end, the RCM shall comply with the deadline fixed by the Minister and take into account the concerns of the population and users of the territory and resources. The RCM shall forward its planning to the Minister for approval before any other consultation. The RCM shall review the planning, make any necessary changes, ensure follow-up and include it in its development plan.

The Minister may intervene to help find a concerted solution that would lead to the adoption of the planning should the RCM be unable to reach a consensus on the carrying out of the planning. If need be, the Minister may impose an arbitration procedure.

5.1.1. The planning must

(1) define the territory's vocation without changing that of the special interest lands identified by the Government in the public land use plan;

(2) indicate the general rules, terms and conditions for harmonizing and integrating the uses of the territory;

(3) take into account the Government's territory development guidelines and its special concerns communicated during the preparation of the said planning; and

(4) take into account the regional strategic plan of the Conseil régional de développement des Laurentides.

5.2. Land management

For the purposes of the Program, the Minister shall entrust the management of intramunicipal lands in the domain of the State to an RCM that exercises the following powers and responsibilities under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and the regulations thereunder:

(1) manage the land rights already granted other than leases for the utilization of water powers. To that end, the RCM shall manage and respect the rights granted until they expire, renew them and cancel them if the beneficiary fails to meet his or her obligations;

(2) grant and manage new land rights other than leases for the utilization of water powers, renew them, ensure the follow-up, amend them with the consent of the parties involved and cancel them if the beneficiary fails to meet his or her obligations;

(3) manage the buildings, improvements and movable property located on the lands covered by the delegation and, if need be, dispose of them according to the regulatory provisions;

(4) sell land, grant rights under emphyteutic contracts, transfer land gratuitously for public use in accordance with the regulations. However, the RCM shall first obtain the Minister's consent before granting those rights;

(5) grant servitudes and any other right;

(6) grant temporary occupation and visitor's licences;

(7) collect and keep all income, including expenses arising from the management of lands covered by the delegation;

(8) renounce the right of ownership of the Minister in favour of the occupant of the land in the course of a cadastral renovation in accordance with section 40.1 of the Act respecting the lands in the domain of the State and according to the criteria established by the Minister for such a renunciation;

(9) rectify any deed of alienation granted by the RCM and waive or amend the restrictive clauses in a deed of alienation granted by the RCM, in accordance with sections 35.1 and 40 of the Act respecting the lands in the domain of the State, or change the purposes therein;

(10) acquire by mutual agreement (gift, purchase, trade), to the benefit of the domain of the State, private lands, buildings, improvements and movable property. However, the RCM shall obtain the Minister's consent prior to such a transaction;

(11) publish a declaration stating that the land forms part of the domain of the State in accordance with section 19 of the Act respecting the lands in the domain of the State;

(12) authorize the construction of roads other than forest and mining roads in accordance with section 55 of the Act respecting the lands in domain of the State;

(13) control the use and occupation of the territory

— by treating situations of illegal occupation and use, including in particular illegal dumping sites and gates within the meaning of the Act respecting the lands in the domain of the State, according to strict rules and methods in keeping with the Government's position that no privilege may be granted to anyone who illegally occupies or uses land in the domain of the State;

— by treating situations of precarious occupation according to the Regulation respecting the regularization of certain kinds of occupation of lands in the domain of the State, made under the Act respecting the lands in the domain of the State by Order in Council 233-89 dated 22 February 1989;

(14) institute penal proceedings in its own name for an offence committed on the territory covered by the management delegation, provided for in the Act respecting the lands in the domain of the State and its regulations, or in the by-laws adopted by the RCM in accordance with section 6;

(15) exercise all the recourses and powers conferred upon the Minister under sections 60 to 66 of the Act respecting the lands in the domain of the State; and

(16) cause the limit between the domain of the State and private property to be determined and the signature of the owner to be affixed to the documents pertaining to cadastral operations, boundary marking or any motion for the judicial recognition of the right over property concerning the lands in the domain of the State covered by the management delegation. The RCM must follow

the land survey instructions issued by the Minister, as provided for in section 17 of the Act respecting the lands in the domain of the State to carry out those activities.

5.3. Forest management

For the purposes of the Program, the Minister shall entrust the forest management of the intramunicipal public territory to a RCM which must carry out the forest management powers and responsibilities defined in Divisions I, II, III and IV of Chapter II and Division II of Chapter IV of Title I and in Title VI of the Forest Act (R.S.Q., c. F-4.1), relating to forests in the domain of the State and applicable to the forest reserves described below, to the extent provided by law :

(1) the granting of forest management permits of the following classes :

— for the harvest of firewood for domestic or commercial purposes ;

— for the harvest and operation of a sugar bush for acericultural purposes ;

— for wildlife, recreational or agricultural development ; and

— for the supply of a wood processing plant to the holder of a forest management agreement that is entitled thereto under Division II of Chapter IV of Title I of the Forest Act ;

(2) the development of forest reserves, by respecting the annual allowable for sustained yield, and the marketing of all timber harvested on the territory covered by this Agreement ;

(3) the signature of forest management agreements. The RCM shall require from the holders of the forest management agreements that they prepare forest development plans that comply with the form and content provided for in sections 52, 53 and 59.1 of the Forest Act, adapted as required ;

(4) the supervision of the preparation of the general forest development plans required from the beneficiary of a forest management agreement, in particular :

— the determination of the annual allowable cut of the territory of any forest management agreement granted by the delegating authority, and the annual yield of the areas intended for forest production, according to the method and assumptions provided for in the forest development manual published by the Minister ;

— the assignment, to the territory of any forest management agreement, of protection and development objectives for the forest, having consulted the departments involved and the regional authorities ;

The annual allowable cut, the forest yields and the protection and development objectives shall be assigned to the territory of a forest management agreement to be included in the related general plan and taken into consideration in preparing the forest development strategies ;

(5) approval of the general forest development plans and annual development plans prepared by the holders of the forest development holders ;

(6) the granting of development permits for the construction of or repairs to forest roads and the issuing of authorizations on the width of the right-of-way and the destination of the harvested timber following construction work or repairs made to other roads than forest roads ;

(7) the possibility to restrict or prohibit access to forest roads in the interest of the public, particularly in case of fire, thaw periods or for safety reasons ;

(8) the application of forest management standards, in accordance with the Regulation respecting standards of forest management for forests in the public domain made by Order in Council 498-96 dated 24 April 1996, or the prescription of standards differing from those prescribed by regulation of the Government, or departing from such standards, in accordance with the provisions of sections 25.2 to 25.3.1 of the Forest Act ;

(9) the collection of dues from holders of authorizations, permits or rights issued by the RCM ;

(10) the surveillance and supervision of forest management, in accordance with the Forest Act and the regulations thereunder. The RCM shall notify the Minister of any offence against the Act or the regulations thereunder and forward to the Minister the file it has prepared on the matter, including technical exhibits used to describe the offence (maps, area measurements, number of trees) ;

(11) the supervision of the scaling of harvested timber, in accordance with the standards determined by regulation of the Government. The RCM shall use the computerized scaling method to forward the data to the Minister of Natural Resources ;

(12) the verification of the data and information appearing on the annual reports produced by holders of forest management agreements, in accordance with sections 70.1 to 70.4 of the Forest Act ; and

(13) the holding of the public consultations required by the consultation policy provided for in section 211 of the Forest Act and applicable to the territory of this territorial management agreement or to the territory of any forest management agreement on issues covered by delegated responsibilities.

The Minister shall continue to assume the powers and responsibilities which are not delegated by this agreement.

In the exercise of its powers and responsibilities, the RCM shall

(1) not adopt restrictive provisions to favour local use of the resource over projects that have greater potential for employment and development;

(2) become a member of the forest protection organizations recognized by the Minister and assume their share of the protection costs. Assessments paid by the RCM to those organizations are applicable to territory where the RCM has entered into a forest management agreement. When entering into such an agreement, it shall require that the agreement holder become a member of the organizations and to pay its share of the protection costs;

(3) draw up, for approval by the Minister and for any territory or part thereof laid out as a board under the RCM, a forest management plan that includes a computation of production and a program of forest management activities;

(4) consult with the Société de la faune et des parcs du Québec, the Ministère de l'Environnement and the Ministère des Ressources naturelles on the forest protection and development objectives assignable on the territories covered by the forest management agreement and on the forest development plans prepared by the holders of forest management agreements in accordance with the terms and conditions agreed to by the parties; and

(5) where the RCM enters into a forest management agreement with a beneficiary, the agreement holder shall pay its contribution directly to the forestry fund on the basis of the volume authorized by the annual management permit. The RCM then undertakes to send the Ministère des Ressources naturelles the forest management agreements, for registration purposes, as soon as they are signed and upon any later modification. The RCM also undertakes to inform the department of the volume authorized by the management permit of each holder of a forest management agreement on 1 April, 1 July, 1 October and 1 January.

The RCM agrees that the Minister may, if need be, specify the scope of the delegated powers and duties with regard to forest management.

6. REGULATORY POWERS

For the purposes of the Program, the Minister shall determine that an RCM may exercise, by means of by-laws made under subparagraph 5 of the second paragraph of section 14.12 of the Municipal Code of Québec and according to the conditions set out in section 6.1 of the Program, the powers referred to in subparagraphs 3 and 7 to 11 of the first paragraph and the second paragraph of section 71 of the Act respecting the lands in the domain of the State, as well as the powers referred to in sections 171, 171.1 and 172 of the Forest Act, according to the conditions set out in section 6.2 of the Program.

6.1. Conditions applicable to regulatory powers in land matters

The by-laws of the RCM, whose coming into force is subject to the rules prescribed by the Municipal Code of Québec, shall be first submitted to the Minister who may approve them, having ascertained that they are in keeping with the Government's principles and objectives and their regional consistency. More specifically, the RCM shall comply with the following principles:

(1) it shall keep the intramunicipal lands in the domain of the State open to the public, in particular by allowing the free movement of persons;

(2) it shall preserve public access to the State water domain;

(3) it shall impose a tariff based on the market value; and

(4) it shall grant no privilege to a person who illegally occupies or uses land in the domain of the State, except to regularize a precarious situation eligible for a title under the Regulation respecting the regularization of certain kinds of occupation of lands in the domain of the State, made under the Act respecting the lands in the domain of the State.

By-laws respecting administration expenses shall pertain only to the cases already provided for in the regulations made under the Act respecting the lands in the domain of the State.

6.2. Conditions applicable to regulatory powers in forest matters

The by-laws of the RCM, whose coming into force is subject to the rules prescribed by the Municipal Code of Québec, shall be first submitted to the Minister who may approve them, having ascertained that they are in keeping with the Government's principles and objectives and their regional consistency. More specifically, the RCM's by-laws shall pursue the same objectives as government regulations and shall contain standards that are equivalent or more severe.

7. GENERAL

7.1. An RCM entrusted with the management of intramunicipal lands in the domain of the State by the Minister under the Program, shall, in respect of all the following items, comply with the corresponding terms and conditions:

Access to the domain of the State: the RCM shall maintain public access to the domain of the State and to the State water domain;

Alienation of land: the Minister's agreement to a land alienation may be transmitted either in the course of the development and use planning referred to in section 5.1, or by a specific notice for projects not referred to in that planning;

Land surveying: any land surveying on lands in the domain of the State or affecting their limits, including boundary marking, and in particular the one required for an alienation, shall be carried out in accordance with section 17 of the Act respecting the lands in the domain of the State and with the instructions of the Minister;

Native peoples: the rights granted by the RCM shall comply with government policy concerning Native peoples and the Minister shall be consulted when dealing with Native matters;

Multiresource committee: the RCM shall see that the representation referred to in section 3.4 is preserved. It shall request the committee's written advice on the following matters, that is, the development and use planning for the territory for which the RCM is responsible, the use of the development fund and, if need be, the taking into account of that planning in every development plan;

Costs and expenses related to land management: all the costs and expenses related to the land management shall be charged, as the case may be, to the RCM, the

acquirer, the applicant or the beneficiary of the right. Those costs and expenses include land surveying on land in the domain of the State, cadastral registration, boundary marking and the publication of rights for any transaction carried out by the RCM;

Land rights granted by the State: the RCM shall respect the rights granted by the State in accordance with the titles issued until they expire, renew them unless the beneficiary of the right is at fault and make sure, in exercising the powers and responsibilities delegated under the Program, not to restrict in any way the exercise of a right granted or to be granted by the State;

Land rights related to recreation: land rights related to recreation shall respect the recreation development objectives set out in the Guide de développement de la villégiature sur les terres du domaine public prepared in April 1994 and in the Plan régional de développement de la villégiature des Laurentides prepared in September 1993 or any other document replacing them;

State and area of intramunicipal lands in the domain of the State: in exercising delegated powers and responsibilities, the RCM shall accept the lands as they are delimited, designated or surveyed at the time the territorial management agreement is signed, without any guarantee by the Minister as to their state or area; and

Rules and procedures: the operating rules and administrative procedures adopted by the RCM shall provide fair granting of rights and alienation of land on the territory covered for all those involved and recognize the special principles and objectives defined in the territorial management agreement.

7.2. The RCM shall file the following reports:

(1) an annual report at 31 March of each year to the Minister on its activities and the use of the income from start-up assistance, duties or similar income from the management of the applicable territory and certain forest resources, and income from the development carried out in that territory;

(2) every five years, an activity report to the Minister on the results obtained versus the objectives set forth in the agreement and the objectives defined in the territorial management agreement, and on the assessment of the RCM's management of the powers and responsibilities delegated to it in the field of land and forest management. In addition, the RCM shall make public the highlights of the report.

The Minister and the RCM shall agree within 12 months of the signing of the territorial management agreement on the objectives to be attained and on assessment criteria; and

(3) a report on the management of the fund including detailed statements of account and a detailed report on the expenditure of the amounts paid into the fund, according to a grid provided by the Ministère des Ressources naturelles.

7.3. The intramunicipal lands in the domain of the State and the forest resources covered by the delegation shall be administered and managed by the RCM without financial compensation from the Government.

7.4. The RCM shall collect and keep the income from the management of the intramunicipal lands in the domain of the State and certain forest resources covered by the delegation, including administration expenses, from the date the territorial management agreement is signed. However, any amount collected by the Government or owed to it on the date of the signing remains its property without adjustment.

7.5. The Minister shall register in the Terrier or in any other register designated by him or her all alienations and rights granted by the RCM on the lands in question and shall issue attestations in writing of the information entered therein; the RCM shall collect all exigible expenses, including interest income, and shall remit them entirely to the Minister, according to the terms and conditions defined in the territorial management agreement. When the Minister will have implemented a formal procedure to make it possible for the RCM to directly enter rights in the official land register, the Minister will contact the RCM to adapt the relevant terms and conditions in the territorial management agreement.

7.6. The Minister shall register the forest management agreements granted by the RCM with the land register.

7.7. An RCM that exercises the powers and responsibilities provided for in the Program acts in its own name.

Subject to the special provisions of section 6, the RCM shall comply with the Act respecting the lands in the domain of the State and the Forest Act and their regulations thereunder.

8. FINAL

8.1. The territorial management agreement respecting land planning and forest management has a five-year term. It may be renewed.

When the land and forest management delegation expires, the Minister shall again become solely responsible for the management of the intramunicipal lands in the domain of the State and forest resources that he or she had delegated.

The Minister may also terminate the delegation if the RCM fails to comply with the terms and conditions applicable to the delegation.

8.2. Where the Minister is again responsible for the management of intramunicipal lands in the domain of the State and the forest resources he or she had delegated, the RCM shall send the Minister all the information required, including, in particular, the up-to-date books and records kept by the RCM for managing the lands and the forest resources. The RCM shall also give the Minister all the records that the Minister entrusted to it.

8.3. Any contestation by the holder of a right that was granted by the RCM and that results from differences in the management methods applied by the RCM and the Minister shall be submitted to the Minister.

5499

M.O., 2002-023

Order of the Minister for Wildlife and Parks dated 18 December 2002

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

Concerning the Rivière-Sainte-Anne Wildlife Sanctuary

THE MINISTER FOR WILDLIFE AND PARKS,

CONSIDERING the establishment of the Rivière-Sainte-Anne Wildlife Reserve under section 81.2 of the Wildlife Conservation Act (R.S.Q., c. C-61) made by the Regulation respecting the salmon river wildlife sanctuaries of Matapédia-et-Patapédia, Sainte-Anne and Saint-Jean (R.R.Q., 1981, c. C-61, r. 79), modified by Order 736-83 dated april 13 1983, 1382-83 dated june 22 1983, 849-84 dated april 4 1984, 1208-84 dated may 23 1984, 821-86 dated june 11 1986, 570-87 dated april 8 1987, 140-92 dated february 5 1992, 283-92 dated february 26 1992, 719-92 dated may 12 1992, 1282-93 dated september 8 1993, 1441-97 dated november 5 1997 and 859-99 dated july 28 1999 and by Order of the Minister 98023 dated february 25 1999;