

EC2005-220

EXECUTIVE COUNCIL ACT
PREMIER AND
MINISTER OF COMMUNITY AND CULTURAL AFFAIRS
AUTHORITY TO ENTER INTO AN AGREEMENT
(CANADA-PRINCE EDWARD ISLAND
MUNICIPAL RURAL INFRASTRUCTURE FUND
AGREEMENT, 2005-2012)
WITH THE
GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Premier, as Minister responsible for Intergovernmental Affairs, and the Minister of Community and Cultural Affairs to enter into an agreement with the Government of Canada, as represented by the Minister of State (Infrastructure and Communities) and the Minister of the Atlantic Canada Opportunities Agency, to set out terms and conditions for implementation of a municipal infrastructure renewal program in Prince Edward Island for the period 2005 to 2012, such as more particularly described in the draft agreement.

EC2005-221

EXECUTIVE COUNCIL ACT
PREMIER AND
MINISTER OF COMMUNITY AND CULTURAL AFFAIRS
AUTHORITY TO ENTER INTO AN AGREEMENT
(UMBRELLA GOVERNANCE FRAMEWORK FOR
INFRASTRUCTURE PROGRAM PLANNING AND IMPLEMENTATION)
WITH THE
GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Premier, as Minister responsible for Intergovernmental Affairs, and the Minister of Community and Cultural Affairs to enter into an agreement with the Government of Canada, as represented by the Minister of State (Infrastructure and Communities) and the Minister of the Atlantic Canada Opportunities Agency, to establish a joint governance framework to provide an integrated approach to planning and implementing infrastructure projects delivered through the Canada Strategic Infrastructure Fund, the Municipal Rural Infrastructure Fund, and the New Deal for Cities and Communities in Prince Edward Island for a five year period, such as more particularly described in the draft agreement.

EC2005-222

EXECUTIVE COUNCIL ACT
 PROVINCIAL TREASURER
 AUTHORITY TO ENTER INTO A
 MEMORANDUM OF UNDERSTANDING
 (RE: LOAN OF INTRUSION DETECTION EQUIPMENT)
 WITH THE
 GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Provincial Treasurer to enter into an agreement with the Government of Canada, as represented by the Solicitor General (Minister of Public Safety and Emergency Preparedness, to provide for the loan of intrusion detection system software and hardware to enhance the Province's IT security and permit participation in CSIELD, a national security monitoring initiative, such as more particularly described in the draft agreement.

EC2005-223

**CO-OPERATIVE ASSOCIATIONS ACT
 FEES REGULATIONS**

Pursuant to section 63 of the *Co-operative Associations Act* R.S.P.E.I. 1988, Cap. C-23, Council made the following regulations:

- | | |
|---|--------------|
| 1. The following fees are prescribed for services under the Act: | Fees |
| (a) incorporation of an association | \$250 |
| (b) application for restoration of an association under
section 44.1 | \$250 |
| (c) filing general statement under section 41 | \$30 |
| 2. These regulations come into force on July 1, 2005. | Commencement |

EXPLANATORY NOTES

The regulations outline fees for services under the Act. The fees were originally in the Schedule to the Act but the Schedule was repealed in 1995.

EC2005-224

HOLLAND COLLEGE ACT
 AUTHORIZATION RE:
 LIABILITIES, EXPENDITURES AND BORROWING

Pursuant to clause 11(1)(b) of the *Holland College Act* R.S.P.E.I. Cap. H-6 Council authorized the Board of Governors of Holland College to incur a liability and to make expenditures by borrowing an amount not to exceed three million nine hundred and seventy-two thousand dollars (\$3,972,000.00) for establishment of a Centre for Labour Force Innovation at Holland College Charlottetown Centre.

EC2005-225

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
PATRICIA Y. CARRIER
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Patricia Y. Carrier of Ottawa, Ontario to acquire a land holding of approximately sixty-nine decimal two five (69.25) acres of land in Lot 7, Prince County, Province of Prince Edward Island, being acquired from Kevin Keizer of Hunter River, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2005-226

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
APPLE VALLEY FARMS INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Apple Valley Farms Inc. of Mount Stewart, Prince Edward Island to acquire a land holding of approximately one hundred and thirty-nine (139) acres of land in Lot 37, Queens County, Province of Prince Edward Island, being acquired from Reginald G. MacDonald and Donald J. MacDonald, both of Blooming Point, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2005-227

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ATLANTIC AGRITECH INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Atlantic AgriTech Inc. of New Glasgow, Prince Edward Island to acquire a land holding of approximately fifty (50) acres of land in Lot 23, Queens County, Province of Prince Edward Island, being acquired from Stephen M. Howatt of New Glasgow, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2005-228

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DOVER FISH HATCHERY LTD.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Dover Fish Hatchery Ltd. of Murray River, Prince Edward Island to acquire a land holding of approximately two (2) acres of land in Lot 52, Kings County, Province of Prince Edward Island, being acquired from the University of Prince Edward Island of Charlottetown, Prince Edward Island.

EC2005-229

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DOVER FISH HATCHERY LTD.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Dover Fish Hatchery Ltd. of Murray River, Prince Edward Island to acquire a land holding of approximately ten (10) acres of land in Lot 52, Kings County, Province of Prince Edward Island, being acquired from the University of Prince Edward Island of Charlottetown, Prince Edward Island SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said Dover Fish Hatchery and on all successors in title.

EC2005-230

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
JON-GEM DEVELOPMENTS INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to JON-GEM Developments Inc. of Mount Stewart, Prince Edward Island to acquire a land holding of approximately forty-one decimal zero one (41.01) acres of land in Lot 40, Kings County, Province of Prince Edward Island, being acquired from Reginald G. MacDonald and Donald J. MacDonald, both of Blooming Point, Prince Edward Island.

EC2005-231

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 KILLAM INVESTMENTS (P.E.I.) INC.
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Killam Investments (P.E.I.) Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately two decimal five one (2.51) acres of land in Lot 48, Queens County, Province of Prince Edward Island, being acquired from Earl Redmond of Pownal, Prince Edward Island.

EC2005-232

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 SMALLMAN'S FORESTRY & FEEDLOT LTD.
 (APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Smallman's Forestry & Feedlot Ltd. of O'Leary, Prince Edward Island to acquire a land holding of approximately ten (10) acres of land in Lot 12, Prince County, Province of Prince Edward Island, being acquired from Stephen Montgomery and Carolyn Montgomery, both of Alberton, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2005-233

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 WGB HOLDINGS LTD.
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to WGB Holdings Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately thirty-three decimal five (33.5) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from the Estate of Gwendolyn Mary Barbour and Anne Barbour (formerly Brown) of Charlottetown, Prince Edward Island.

EC2005-234

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 413252, LOT 67, QUEENS COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately one hundred and fifty (150) acres of land, being Provincial Property No. 413252 located in Lot 67, Queens County, Prince Edward Island and currently owned by Frizzell's Valleyville Farms Inc. of Glen Valley, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately one (1) acre, and determined that following subdivision, identification for non-development use shall continue to apply to the remaining land.

This Order-in-Council comes into force on 26 April 2005.

EC2005-235

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 900027, LOT 67, QUEENS COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately forty-two (42) acres of land, being Provincial Property No. 900027 located in Lot 67, Queens County, Prince Edward Island and currently owned by Garth Frizzell and Cynthia Frizzell, both of Hunter River, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately one (1) acre, and determined that following subdivision, identification for non-development use shall continue to apply to the remaining land.

This Order-in-Council comes into force on 26 April 2005.

EC2005-236

**NATURAL PRODUCTS MARKETING ACT
EGG COMMODITY MARKETING REGULATIONS
AMENDMENT**

Pursuant to subsections 4(2) and (3) and section 29 of the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3, the Lieutenant Governor in Council, on the recommendation of the Prince Edward Island Marketing Council, made the following regulations:

1. Section 39 of the *Natural Products Marketing Act* Egg Commodity Marketing Regulations (EC274/76) is amended by the addition of the following after clause (u):

(u.1) to acquire, possess, purchase and sell eggs;

2. Subsection 41(3) of the regulations is amended by the deletion of the words “50,000 hens” and the substitution of the words “75,000 hens”.

3. These regulations come into force on May 7, 2005.

EXPLANATORY NOTES

The amendment provides the commodity board with the power to acquire, possess, purchase and sell eggs and increases the maximum quota holdings held by any producer from 50,000 hens to 75,000 hens.

EC2005-237

**PESTICIDES CONTROL ACT
REGULATIONS
AMENDMENT**

Pursuant to section 22 of the *Pesticides Control Act* R.S.P.E.I. 1988, Cap. P-4, Council made the following regulations:

1. Section 1 of the *Pesticides Control Act* regulations (EC543/84) is amended

(a) by the addition of the following after clause (a.1):

(a.2) “agricultural operation” means an agricultural operation that is carried out by a farmer for the purpose of producing agricultural products or services in the expectation of gain or reward and includes, agricultural
operation

- (i) clearing, draining, irrigating and cultivating land,
- (ii) raising or keeping livestock, including cattle, horses, sheep, swine and poultry,
- (iii) raising or keeping fur-bearing animals, game birds, game animals and honey bees,
- (iv) producing agricultural, horticultural, or silvicultural crops, including non-food crops,
- (v) operating agricultural machinery and equipment, including noise-scare devices,
- (vi) preparing a farm product for distribution from the farm gate, including cleaning, grading and packaging,
- (vii) on-farm processing of farm products for the purpose of preparing farm products for wholesale or retail distribution and consumption,
- (viii) applying fertilizers, soil conditioners and pesticides, including ground and aerial application,

(ix) storing, using or disposing of organic wastes for farm purposes, and

(x) operating pick-your-own farms, road-side farm produce stands, and farm tourist operations as part of the farm operation;

(b) by the addition of the following after clause (j):

(j.1) "Pesticide Purchase Permit" means a Pesticide Purchase Permit issued to an agricultural operation by the Director under section 10.2;

Pesticide Purchase Permit

2. Subsection 10(8) of the regulations is revoked.

3. The regulations are amended by the addition of the following after section 10:

10.1 (1) No person shall sell a regulated pesticide to a person unless the person

Certificate or Permit required to sell

(a) holds a Level 1 Pesticide Use Certificate; or

(b) holds or is authorized to use a Pesticide Purchase Permit.

(2) A person that sells a regulated pesticide shall note on the sales record the name, number, and expiry date of the purchaser's Level 1 Pesticide Use Certificate or Pesticide Purchase Permit.

Information noted on sales record

(3) No person shall purchase a regulated pesticide unless the person

Certificate or Permit required to buy

(a) holds a Level 1 Pesticide Use Certificate; or

(b) holds or is authorized to use a Pesticide Purchase Permit.

10.2 (1) A person or an agricultural operation that intends to purchase regulated pesticides shall apply to the Director on form 1 for a Pesticide Purchase Permit.

Pesticide Purchase Permit

(2) The Director may, after receipt of the application and the application fee of \$50, issue a Pesticide Purchase Permit to an agricultural operation that employs at least one person who holds a Level 1 Pesticide Use Certificate.

Director may issue Permit

(3) A Pesticide Purchase Permit expires

Expiry

(a) on December 31 of the year in which the Permit was issued;

(b) on the expiry date of the Level 1 Pesticide Use Certificate of the individual listed as the Certified Applicator on the Pesticide Purchase Permit application form submitted pursuant to subsection (1); or

(c) when an agricultural operation ceases to employ the individual listed as the Certified Applicator on the Pesticide Purchase Permit application form submitted pursuant to subsection (1),

whichever is earlier.

10.3 (1) An agricultural operation may, in writing, authorize an employee to use a Pesticide Purchase Permit issued under subsection 10.2(2) for the purpose of purchasing a regulated pesticide for the use of the agricultural operation.

Authorization of employee to use Permit

(2) An authorization under subsection (1) terminates on the date that

Termination of authorization

(a) is specified on the authorization;

(b) the employee is no longer employed by the agricultural operation; or

(c) the agricultural operation rescinds the authorization.

(3) An employee who is no longer authorized to use a Pesticide Purchase Permit shall return the Permit immediately to the agricultural operation.

Return of Permit

(4) No person authorized under subsection (1) to use a Pesticide Purchase Permit shall use the Permit for any purpose other than to purchase a regulated pesticide for the use of the agricultural operation.

No other use of Permit

10.4 Except as authorized by the Director or under subsection 10.3(1), no person shall give, transfer, sell, lend or assign a Pesticide Purchase Permit to any other person.

No transfer, etc. of Permit

4. Section 19 of the regulations is revoked.

5. Subsection 24(2) of the regulations is amended by the deletion of the words “December 31 of the year in which it was issued” and the substitution of the words “the expiry date shown on the certificate”.

6. The regulations are amended by the addition of Appendix K and Appendix L as set out in the Schedule to these regulations.

7. These regulations come into force on May 7, 2005.

SCHEDULE

APPENDIX K

APPLICATION FOR PESTICIDE PURCHASE PERMIT

Personal information on this form is collected under clause 31(c) of the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01 as it relates directly to and is necessary for the issuing of a Pesticide Purchase Permit.

Applicant (Agricultural Operation) Information

Company Name:..... Phone:
 Contact Name:..... Fax:.....
 Mailing Address

Number of Permits Requested: Postal Code:

Signature of Applicant _____ Date _____

Certified Applicator Information

Name:..... Phone:
 Mailing Address: Postal Code:

Level 1 Pesticide Use Certificate No.:.....

Level 1 Pesticide Use Certificate Expiry Date:.....

Are you currently employed by the Applicant?..... YesNo

Signature of Certified Applicator: _____ Date: _____

The fee to apply for one or more Pesticide Purchase Permit is \$50.
 Payment must be received by the Department before the application will be processed.

Method of Payment

(Check appropriate box)

- Cheque
 Money Order
 Cash (personal delivery only)

Please forward application and payment to:

Department of Environment,
 Energy and Forestry
 Pesticide Regulatory Program
 7 Gerald McCarville Drive
 PO Box 306
 Kensington, PE C0B 1M0

**Cheques and money orders should be made payable to the Provincial Treasurer.
 Pesticide Purchase Permits will be mailed to agricultural operation address above.
 Please allow two weeks for delivery.**

APPENDIX L**Pesticide Purchase Permit**

PESTICIDE PURCHASE PERMIT
Agricultural Operation: _____ Contact Name: _____ Address: _____ Phone: _____ Permit Number: _____ Expiry Date: _____ Director's Signature: _____

EXPLANATORY NOTES

SECTION 1 adds definitions.

SECTION 2 revokes a provision that is replaced in the new sections 10.1 to 10.4.

SECTION 3 sets out the requirements for the purchase of a regulated pesticide and for the issue of a Pesticide Purchase Permit. The section also provides for an agricultural operation to authorize an employee to use a Pesticide Purchase Permit under specified conditions and the expiry of such an authorization.

SECTION 4 revokes a section of the regulations which is replaced by sections 10.1 to 10.4.

SECTION 5 changes the expiry date of a certificate to the date shown on the certificate.

SECTION 6 adds an application form and a permit form.

SECTION 7 is the commencement of these regulations.