At a Meeting of the Executive Council in Committee, Present:

HONOURABLE MEMBERS

Binns  Gillan  MacFadyen
Currie  Ballem  MacAdam
Murphy  Shea  Brown

EC2004-421

ELECTRIC POWER ACT
CITY OF SUMMERSIDE ELECTRIC UTILITY
ANNUAL ASSESSMENT
DETERMINED

Pursuant to clause 46(2)(a) of the Electric Power Act R.S.P.E.I. 1988, Cap. E-4 Council determined the assessment to be paid by the City of Summerside Electric Utility to the Island Regulatory and Appeals Commission for the 2004-2005 fiscal year to be twenty thousand dollars ($20,000.00).

EC2004-422

EMPLOYMENT STANDARDS ACT
EMPLOYMENT STANDARDS BOARD
APPOINTMENTS

Pursuant to section 4 of the Employment Standards Act R.S.P.E.I. 1988, Cap. E-1 Council made the following appointments:

<table>
<thead>
<tr>
<th>NAME</th>
<th>TERM OF APPOINTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>as chairperson</td>
<td></td>
</tr>
<tr>
<td>Albert M. (Ab) Ferris</td>
<td>29 June 2004</td>
</tr>
<tr>
<td>Charlottetown</td>
<td>to</td>
</tr>
<tr>
<td>(reappointed)</td>
<td>29 June 2005</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME</th>
<th>TERM OF APPOINTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>as vice-chairperson</td>
<td></td>
</tr>
<tr>
<td>Don MacCormac</td>
<td>27 July 2004</td>
</tr>
<tr>
<td>Charlottetown</td>
<td>to</td>
</tr>
<tr>
<td>(vice George Cantelo, term expired)</td>
<td>27 July 2007</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME</th>
<th>TERM OF APPOINTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>as employee representatives</td>
<td></td>
</tr>
<tr>
<td>June Glover</td>
<td>29 June 2004</td>
</tr>
<tr>
<td>Guernsey Cove</td>
<td>to</td>
</tr>
<tr>
<td>(reappointed)</td>
<td>29 June 2005</td>
</tr>
<tr>
<td>Mary Jane Hackett</td>
<td>29 June 2004</td>
</tr>
<tr>
<td>Tignish</td>
<td>to</td>
</tr>
<tr>
<td>(reappointed)</td>
<td>29 June 2005</td>
</tr>
</tbody>
</table>
Pursuant to subsection 25(1) of the Environmental Protection Act R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

1. Section 4.1 of the Environmental Protection Act Air Quality Regulations (EC377/92) is amended

   (a) by the revocation of clause (1)(c) and the substitution of the following:

   (c) in the amount as set out in Schedule D; and

   (b) by the revocation of subsection (2) and the substitution of the following:

   (2) The application fee for a permit or a renewal of a permit shall be in the amount as set out in Schedule D.

2. The regulations are amended by the addition of Schedule D as set out in the Schedule to these regulations.

3. These regulations come into force on August 7, 2004.

SCHEDULE

SCHEDULE D

FEE STRUCTURE

Part 1 Fuel-Burning Equipment (Heavy Fuel Oil Users)

<table>
<thead>
<tr>
<th>Class 1A source, if the source has a permitted rate of release of one or more of the following:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) sulphur dioxide &gt; 1,000 tonnes per year, or</td>
</tr>
<tr>
<td>(b) particulate matter &gt; 1,000 tonnes per year</td>
</tr>
</tbody>
</table>

$42,000 per year
EXECUTIVE COUNCIL _________________________________ 27 JULY 2004

Class 1B source, if the source has a permitted rate of release of one or more of the following:

(a) sulphur dioxide > 500 tonnes per year, but ≤ 1,000 tonnes per year
(b) particulate matter > 500 tonnes per year, but ≤ 1,000 tonnes per year

$15,000 per year

Class 2 source, if the source has a permitted rate of release of one or more of the following:

(a) sulphur dioxide > 250 tonnes per year, but ≤ 500 tonnes per year
(b) particulate matter > 250 tonnes per year, but ≤ 500 tonnes per year

$5,000 per year

Class 3 source, if the source has a permitted rate of release of one or more of the following:

(a) sulphur dioxide > 100 tonnes per year, but ≤ 250 tonnes per year
(b) particulate matter > 100 tonnes per year, but ≤ 250 tonnes per year

$2,000 per year

Class 4 source, if the source has a permitted rate of release of one or more of the following:

(a) sulphur dioxide > 10 tonnes per year, but ≤ 100 tonnes per year
(b) particulate matter > 10 tonnes per year, but ≤ 100 tonnes per year

$500 per year

Class 5 source, if the source has a permitted rate of release of one or more of the following:

(a) sulphur dioxide ≤ 10 tonnes per year
(b) particulate matter ≤ 10 tonnes per year

$100 per year

Part 2 Incinerators

1. Quantity of material incinerated ≤ 500 tonnes per year: $100 per year
2. Quantity of material incinerated > 500 tonnes per year: $100 per year plus $10 for each additional 100 tonnes (or fraction thereof) of material incinerated

Part 3 Industrial Sources (Asphalt Plants and Used Oil Burners)

1. ≤ 15,000 litres fuel burned per year, $100 per year
2. > 15,000 litres fuel burned per year, $100 per year plus $10 for each additional 15,000 litres (or fraction thereof) of fuel burned

EXPLANATORY NOTES

The amendments add Schedule D to the regulations in order to provide a fee structure for an application for a permit or a renewal of a permit.

EC2004-424

FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT
DECLARATION RE

Under authority of section 12 of the Farm Registration and Farm Organizations Funding Act Stats. P.E.I. 2002, 4th Session, c. 10 Council ordered that a Proclamation do issue proclaiming subsections 10(4) and 10(5) of the said "Farm Registration and Farm Organizations Funding Act" to come into force effective 27 July 2004.
EXECUTIVE COUNCIL _________________________________ 27 JULY 2004

EC2004-425
FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2004/05)
DEPARTMENT OF ENVIRONMENT AND ENERGY

Pursuant to subsection 37(1) of the Financial Administration Act R.S.P.E.I. 1988, Cap. F-9, Council ordered that a Special Warrant do issue authorizing a supplementary payment out of the Operating Fund for the Department of Environment and Energy as follows:

<table>
<thead>
<tr>
<th>Account Class</th>
<th>Account Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>0095-02805</td>
<td>Computer Equipment</td>
<td>$34,700.00</td>
</tr>
<tr>
<td>0095-02901</td>
<td>Field Supplies</td>
<td>1,000.00</td>
</tr>
<tr>
<td>0095-03125</td>
<td>Wages - Casual Payroll</td>
<td>53,000.00</td>
</tr>
<tr>
<td>0095-03201</td>
<td>In-province Travel</td>
<td>6,400.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>$95,100.00</strong></td>
</tr>
</tbody>
</table>

Further, Council noted that this amount will be fully offset by revenue from the federal government under the terms of the Canada-Prince Edward Island National Water Program.

EC2004-426
FINANCIAL ADMINISTRATION ACT
ADVISORY COUNCIL ON THE STATUS OF WOMEN
DECLARATION TO RETAIN PROFIT
(FISCAL YEAR 2003/2004)

Having under consideration the recommendation of the Treasury Board (reference TB#110/04 of 21 July 2004) and pursuant to section 72 of the Financial Administration Act R.S.P.E.I. 1988, Cap. F-9 Council declared that the profit of the Advisory Council on the Status of Women for the year ended 31 March 2004 in the amount of $835.00 be retained by the Corporation.

EC2004-427
FINANCIAL ADMINISTRATION ACT
PEI AGRICULTURE RESEARCH INVESTMENT FUND INC.
DECLARATION TO RECOUP LOSS
(FISCAL YEAR 2003/2004)

Having under consideration the recommendation of the Treasury Board (reference TB#111/04 of 21 July 2004) and pursuant to section 72 of the Financial Administration Act R.S.P.E.I. 1988, Cap. F-9 Council declared that the operating deficit for the year ended 31 March 2004 of the PEI Agriculture Research Investment Fund Inc. in the amount of $88,812.00 be recouped from existing surpluses or from future operations of the Corporation.
EXECUTIVE COUNCIL _________________________________ 27 JULY 2004

EC2004-428

FINANCIAL ADMINISTRATION ACT
PEI AQUACULTURE AND FISHERIES RESEARCH INITIATIVE INC.
DECLARATION TO RECOUP LOSS
(FISCAL YEAR 2003/2004)

Having under consideration the recommendation of the Treasury Board (reference TB#114/04 of 21 July 2004) and pursuant to section 72 of the Financial Administration Act R.S.P.E.I. 1988, Cap. F-9 Council declared that the operating deficit for the year ended 31 March 2004 of the PEI Aquaculture and Fisheries Research Initiative Inc. in the amount of $75,443.00 be recouped from existing surpluses or from future operations of the Corporation.

EC2004-429

FINANCIAL ADMINISTRATION ACT
PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION
DECLARATION TO RECOUP LOSS
(FISCAL YEAR 2003/2004)

Having under consideration the recommendation of the Treasury Board (reference TB#113/04 of 21 July 2004) and pursuant to section 72 of the Financial Administration Act R.S.P.E.I. 1988, Cap. F-9 Council declared that the operating deficit for the year ended 31 March 2004 of the Prince Edward Island Human Rights Commission in the amount of $2,434.00 be recouped from existing surpluses or from future operations of the Corporation.

EC2004-430

FINANCIAL ADMINISTRATION ACT
PRINCE EDWARD ISLAND SELF-INSURANCE AND RISK MANAGEMENT FUND
DECLARATION TO RETAIN PROFIT
(FISCAL YEAR 2003/2004)

Having under consideration the recommendation of the Treasury Board (reference TB#120/04 of 21 July 2004) and pursuant to section 72 of the Financial Administration Act R.S.P.E.I. 1988, Cap. F-9 Council declared that the profit of the Prince Edward Island Self-Insurance and Risk Management Fund for the year ended 31 March 2004 in the amount of $49,393.00 be retained by the Corporation.
EXECUTIVE COUNCIL _________________________________ 27 JULY 2004

EC2004-431
FINANCIAL ADMINISTRATION ACT
PRINCE EDWARD ISLAND SPECIAL PROJECTS FUND
DECLARATION TO RECOUP LOSS
(FISCAL YEAR 2003/2004)

Having under consideration the recommendation of the Treasury Board (reference TB#112/04 of 21 July 2004) and pursuant to section 72 of the Financial Administration Act R.S.P.E.I. 1988, Cap. F-9 Council declared that the operating deficit for the year ended 31 March 2004 of the Prince Edward Island Special Projects Fund in the amount of $2,094,488.00 be recouped from existing surpluses or from future operations of the Fund.

Council noted a remaining accumulated balance in the Prince Edward Island Special Projects Fund of $1,286,827.00 as at 31 March 2004.

EC2004-432
FINANCIAL ADMINISTRATION ACT
TOURISM PEI
DECLARATION TO RECOUP LOSS
(FISCAL YEAR 2003/2004)

Having under consideration the recommendation of the Treasury Board (reference TB#119/04 of 21 July 2004) and pursuant to section 72 of the Financial Administration Act R.S.P.E.I. 1988, Cap. F-9 Council declared that the operating deficit for the year ended 31 March 2004 of Tourism PEI in the amount of $291,294.00 be recouped from existing surpluses or from future operations of the Corporation.

EC2004-433
PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
BRENDEL FARMS 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 Brendel Farms Ltd. of North Bedeque, Prince Edward Island to acquire a land holding of approximately ten (10) acres of land in Lot 19, Prince County, Province of Prince Edward Island, being acquired from Kent Marchbank and Paul Marchbank, both of Lower New Annan, Prince Edward Island.

Further, Council noted that the said land holding, being part of Provincial Property No. 454843, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.
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 pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately twenty-five decimal one (25.1) acres of land, being Provincial Property No. 164202 located in Georgetown Royalty, Kings County, Prince Edward Island and currently owned by Marwood Properties Inc. of Georgetown, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately two decimal five (2.5) acres, 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 27 July 204.


Council, having under consideration Order-in-Council EC2002-384 of 16 July 2002, amended the said Order by deleting therefrom the name of Sandra MacNeill.
EC2004-438
MARRIAGE ACT
DEPUTY ISSUERS OF MARRIAGE LICENSES
APPOINTMENTS
(TO AMEND)


EC2004-439
MARRIAGE ACT
DEPUTY ISSUER OF MARRIAGE LICENSES
APPOINTMENT


EC2004-440
MARRIAGE ACT
DEPUTY ISSUERS OF MARRIAGE LICENSES
APPOINTMENTS

Pursuant to subsection 12(1) of the *Marriage Act* R.S.P.E.I. 1988, Cap. M-3 Council appointed the following employees of Access PEI in Summerside, Prince Edward Island to be deputy issuers of marriage licenses effective 27 July 2004:

- Wendy May Collett
- Colleen Rose Gallant
- Michelle Loraine Poirier

EC2004-441
PETROLEUM PRODUCTS ACT
PERMIT TO STORE MOTOR FUELS
IN ABOVE-GROUND TANKS
TIGNISH CO-OPERATIVE ASSOCIATION, LIMITED

Pursuant to section 21.1 of the *Petroleum Products Act* Council authorized Tignish Co-operative Association, Limited to store motor fuels in above-ground tanks at its retail outlet at 285 Mall Street, Tignish, Prince Edward Island effective 27 July 2004 for a period of up to one year, provided that the above-ground tanks meet requirements of the *Environmental Protection Act* Petroleum Storage Tanks Regulations (EC322/01).
Pursuant to clause 20(1)(c) of the Roads Act Highway Access Regulations (EC580/95) Council determined that

1. a shopping centre to be established on the west side of Route 2, on Provincial Property No. 388280 at Charlottetown, Queens County, is a new commercial operation, constituting a change of use of this property, and establishment of this operation adjacent to Route 2 at Charlottetown is in the best interest of the province;

2. an industrial/commercial development to be established on the east side of Route 2, on Provincial Property No. 388264 at Charlottetown, Queens County, is a new industrial/commercial operation, constituting a change of use of this property, and establishment of this operation adjacent to Route 2 at Charlottetown is in the best interest of the province.

Pursuant to subsection 10(3) of the Summary Proceedings Act R.S.P.E.I. 1988, Cap. S-9, Council made the following regulations:

1. Schedule 2 of the Summary Proceedings Act Ticket Regulations (EC321/01) is amended by revocation of the table entitled the “LIQUOR CONTROL ACT R.S.P.E.I. 1988, Cap. L-14” and the substitution of the following:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>32(a)</th>
<th>32(b)</th>
<th>32(c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Exposing or keeping liquor for sale</td>
<td>$2,000 (1st offence)</td>
<td>$4,000 (2nd or subsequent offence)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$4,000 (2nd or subsequent offence)</td>
<td>$2,000 (1st offence)</td>
<td>$4,000 (2nd or subsequent offence)</td>
</tr>
<tr>
<td>2</td>
<td>Selling or offering to sell liquor</td>
<td>$2,000 (1st offence)</td>
<td>$4,000 (2nd or subsequent offence)</td>
<td>$2,000 (1st offence)</td>
</tr>
<tr>
<td></td>
<td>either directly or indirectly or</td>
<td>$2,000 (1st offence)</td>
<td>$4,000 (2nd or subsequent offence)</td>
<td>$2,000 (1st offence)</td>
</tr>
<tr>
<td></td>
<td>upon any pretence or device</td>
<td>$2,000 (1st offence)</td>
<td>$4,000 (2nd or subsequent offence)</td>
<td>$2,000 (1st offence)</td>
</tr>
<tr>
<td>3</td>
<td>Giving liquor to any person in consideration of the purchase</td>
<td>$2,000 (1st offence)</td>
<td>$4,000 (2nd or subsequent offence)</td>
<td>$2,000 (1st offence)</td>
</tr>
<tr>
<td></td>
<td>or transfer of any property, or for any other consideration,</td>
<td>$2,000 (1st offence)</td>
<td>$4,000 (2nd or subsequent offence)</td>
<td>$2,000 (1st offence)</td>
</tr>
</tbody>
</table>
### EXECUTIVE COUNCIL _________________________________ 27 JULY 2004

<table>
<thead>
<tr>
<th></th>
<th>Having in possession or keeping within the province any liquor not purchased from a vendor</th>
<th>33(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>$500 (1st offence) $1,250 (2nd or subsequent offence)</td>
</tr>
<tr>
<td>5</td>
<td>Unlawfully consuming liquor in public place</td>
<td>39(1) 100</td>
</tr>
<tr>
<td>6</td>
<td>Being intoxicated in public place</td>
<td>39(2) 100</td>
</tr>
<tr>
<td>7</td>
<td>Consuming liquor in or about a motor vehicle</td>
<td>39(3) 100</td>
</tr>
<tr>
<td>8</td>
<td>Selling, giving, supplying liquor to a minor</td>
<td>40(1) 500</td>
</tr>
<tr>
<td>9</td>
<td>Minor illegally being in a licensed premises</td>
<td>40(2) 50</td>
</tr>
<tr>
<td>10</td>
<td>Permitting minor to enter and remain on licensed premises</td>
<td>40(3) 500</td>
</tr>
<tr>
<td>11</td>
<td>Minor failing to leave licensed premises on request</td>
<td>40(4) 50</td>
</tr>
<tr>
<td>12</td>
<td>Minor possessing or consuming liquor</td>
<td>40(5)(a),(b) 50</td>
</tr>
<tr>
<td>13</td>
<td>Minor entering any liquor store</td>
<td>43 50</td>
</tr>
<tr>
<td>14</td>
<td>Permitting drunkenness on premises</td>
<td>47(1)(a) 50</td>
</tr>
<tr>
<td>15</td>
<td>Supplying liquor to person who is intoxicated</td>
<td>47(1)(c) 50</td>
</tr>
<tr>
<td>16</td>
<td>Illegal possession of liquor</td>
<td>48(1) 100</td>
</tr>
</tbody>
</table>

2. These regulations come into force on August 7, 2004.

EXPLANATORY NOTES

The amendment updates the offence provisions in the *Summary Proceedings Act* Ticket Regulations to include offence provisions contained in the *Liquor Control Act*, and renumbers existing offence provisions for the *Liquor Control Act* outlined in the *Summary Proceedings Act* Ticket Regulations.

Lieutenant Governor President of the Executive Council