EC2006-333
EXECUTIVE COUNCIL ACT
MINISTER OF AGRICULTURE, FISHERIES AND AQUACULTURE
AUTHORITY TO ENTER INTO AN AMENDING AGREEMENT
(RE: AGREEMENT ON INTERNAL TRADE -
CHAPTER NINE
AGRICULTURAL AND FOOD GOODS)
WITH THE
GOVERNMENT OF CANADA
AND THE
GOVERNMENTS OF
OTHER PROVINCES AND TERRITORIES

Pursuant to clauses 10(a) and (b) of the Executive Council Act R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Agriculture, Fisheries and Aquaculture to enter into an agreement with the Government of Canada and the Governments of other provinces and territories, as represented by their respective Ministers responsible for agriculture, to amend the Agreement on Internal Trade to expand the scope and coverage of Chapter Nine, Agricultural and Food Goods to include all technical measures relating to internal trade in agricultural and food goods, such as more particularly described in the draft agreement.

EC2006-334
EXECUTIVE COUNCIL ACT
MINISTER OF AGRICULTURE, FISHERIES AND AQUACULTURE
AUTHORITY TO ENTER INTO AN AGREEMENT
(FOREIGN ANIMAL DISEASE EMERGENCY SUPPORT
MEMORANDUM OF UNDERSTANDING)
WITH THE
CANADIAN FOOD INSPECTION AGENCY

Pursuant to clause 10(a) of the Executive Council Act R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Agriculture, Fisheries and Aquaculture to enter into a Memorandum of Understanding with the Canadian Food Inspection Agency to outline emergency management coordinating arrangements and roles in responding to a suspected or confirmed outbreak of foreign animal disease, such as more particularly described in the draft agreement.

EC2006-335
FINANCIAL ADMINISTRATION ACT
TRANSFER ORDER

Pursuant to subsection 37.2(1) of the Financial Administration Act R.S.P.E.I. 1988, Cap. F-9, Council approved the transfer of one million, fifty thousand, six hundred dollars ($1,050,600.00) from general government to the Department of Education, to cover salary increases for public sector employees in the education sector for fiscal year 2006-07.
Pursuant to section 33 of the Limited Partnerships Act R.S.P.E.I. 1988, Cap. L-13, Council made the following regulations:

1. Subsections 1(1) to (3) of the Limited Partnerships Act Regulations (EC740/83) are revoked.

2. Section 2 of the regulations is revoked and the following substituted:

2. The following fees are prescribed:

   (a) for filing a declaration under subsection 3(1) or 24(1) of the Act. ................. $200.00
   (b) for filing a new declaration. ....... 200.00
   (c) for filing a declaration of change under subsection 18(1) or section 24(7). ........ 100.00
   (d) for a certificate of good standing. ........ 50.00

3. Forms 1 to 3 in the Schedule to the regulations are revoked.

4. These regulations come into force on July 1, 2006.

EXPLANATORY NOTES

Section 1 amends the regulations to remove references to various forms of declarations that do not need to be prescribed by the regulations. The required content of these forms is already set out in the Act.

Section 2 amends the fees related to the filing of certain declarations and the issuance of a certificate of good standing.

Section 3 revokes the unneeded forms of declarations that are set out in the Schedule to the regulations.

Section 4 provides for the commencement of these regulations.

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 the revocation of the table entitled “PESTICIDES CONTROL ACT REGULATIONS (EC543/84)” and the substitution of the following:

   PESTICIDES CONTROL ACT REGULATIONS (EC761/05)

   1. Failing to keep records of each pesticide use or application. ......................... 9(1) $1000 (individual)
   2. Failing to record a pesticide use or application within 72 hours after a pesticide use or application. 9(2) 1000 (individual)
   3. Failing to keep records for at least three years from the date of the use or application of the pesticide. 9(3)(a) 1000 (individual)
   4. Failing to make records available to officials. 9(3)(b) 5000 (corporation)
   5. Failing to provide annual sales data to the Minister for all domestic and non-domestic pesticides sold to retail customers for previous calendar year. 12(1) 1000 (individual)
   6. Failing to comply with any of the other provisions of this Act. 1000 (individual)
   7. Failing to comply with any of the other provisions of this Act. 5000 (corporation)
6 Failing to prepare a written record of a sale of a non-domestic pesticide within 24 hours of the sale...................... 1000 (individual)
7 Failing to prepare a written record of a sale of a Schedule 1 pesticide within 24 hours of the sale...................... 1000 (individual)
8 Employee no longer authorized to use Pesticide Purchase Permit failing to return Permit immediately to operator of agricultural operation or to holder of Pesticide Application Business Licence ................................................................. 1000 (individual)
9 Failing to provide a copy of a Pesticide Application Permit upon request of an environment officer...................... 1000 (individual)
10 Failing to keep or store a pesticide separate from foodstuffs, feed or any other material intended for consumption by humans or animals.................................................. 1000 (individual)
11 Failing to carry a Pesticide Application Permit when handling, loading, transporting, mixing or applying a Schedule 1 pesticide ................................................................. 1000 (individual)
12 Failing to properly label containers which contain seed treated with a pesticide .................................................. 20(1)
13 Failing to apply a pesticide in the manner specified on the label of the package of the pesticide .................................. 20(1)
14 Failing to dispose of a pesticide, a mixture containing a pesticide, or a material treated with a pesticide other than in the manner and using the method recommended by the manufacturer or Minister .................................................. 23(3)(a), 1000 (individual)
15 Failing to provide proper prior notice, in writing or by phone, of a non-domestic pesticide application ........................... 24(1)
16 Failing to include required information in the notice regarding the application of a non-domestic pesticide .......... 24(2)
17 Failing to post prior proper notice of a non-domestic pesticide application .................................................. 25(1)
18 Failing to include required information in the posted notice regarding the application of a non-domestic pesticide .... 25(2)
19 Failing to ensure that signs are posted at all entrances and exits to a structure within which or to which a pesticide is applied .................................................................................. 25(3)
20 Failing to maintain clearly visible posted signs for the required time period following a pesticide application .... 25(4)
21 Non-domestic Pesticide Vendor Business Licence holder failing to store pesticides in Phase III storage facility ...... 26
22 Failing to transport a pesticide in or on a vehicle with commodities in a manner not sufficient to prevent contamination .......................................................................................... 27(1)
23 Failing to transport a concentrated non-domestic pesticide in or on a vehicle in the original manufacturer’s sealed container in a manner that will ensure the pesticide will not spill ................................................................. 27(2)(a)
24 Failing to transport a concentrated non-domestic pesticide in or on a vehicle in an enclosed leak proof container or properly secured to the transportation equipment........... 27(2)(b)
25 Failing to ensure pesticide application equipment is locked while unattended .................................................. 27(4)
26 Failing to label a container containing seed treated with a pesticide while transporting or selling the seed ............ 27(5)
27 Operating ground agricultural equipment for a fee without holding a Class A Pesticide Application Business Licence 28(1)(a)
28 Offering a service involving the application of a pesticide for the control of mosquitoes or biting flies without holding a Class B Pesticide Application Business Licence .............................. 28(1)(b)
29 Offering a service involving the application of a non-fumigant pesticide to stored feed or to dwellings or structures without holding a Class C-1 Pesticide Application Business Licence ................................................................. 28(1)(c)
30 Offering a service involving the application of a fumigant pesticide to stored feed or to dwellings or structures without holding a Class C-2 Pesticide Application Business Licence ................................................................. 28(1)(d)
31 Offering a service involving the application of a seed or seed-piece treatment pesticide without holding a Class D Pesticide Application Business Licence .................................................. 28(1)(e)
32 Offering a service involving the application of a pesticide to ornamental vegetation, golf course turf and other non-crop areas without holding a Class E Pesticide Application Business Licence .................................................................................. 28(1)(f)
33 Offering a pesticide application service for forestry herbicide application without holding a Class F-1 Pesticide Application Business Licence .................................................. 28(1)(g)
34 Offering a service involving the application of a pesticide for the production of tree seedlings for reforestation purposes without holding a Class F-2 Pesticide Application Business Licence .................................................................................. 28(1)(h)
35 Offering a service involving the application of a pesticide in a greenhouse without holding a Class G Pesticide Application Business Licence or a Class F-2 Pesticide Application Business Licence .................................................. 28(1)(i)
36 Offering a service involving the application of a soil fumigant pesticide without holding a Class H Pesticide Application Business Licence ................................................................. 28(1)(j)
37 Offering a pesticide application service without holding a Pesticide Application Permit …………………… 1000 (individual)
38 Applying a non-domestic pesticide to control pests on agricultural land or on agricultural crop or product that is not located in a greenhouse without holding a Class A Pesticide Applicator Certificate or without being a certified assistant……………………………………………………... 1000 (individual)
39 Applying a non-domestic pesticide to control mosquitoes or biting flies without holding a Class B Pesticide Applicator Certificate ……………………………………………………… 1000 (individual)
40 Applying a non-domestic, non-fumigant pesticide to stored feed, dwellings or other structures without holding a Class C-1 Pesticide Applicator Certificate ………………………….. 5000 (corporation)
41 Applying a fumigant pesticide to stored feed, dwellings or other structures without holding a Class C-2 Pesticide Applicator Certificate ………………………………… 5000 (corporation)
42 Applying a non-domestic pesticide as a soil or seed-piece treatment without holding a Class D Pesticide Applicator Certificate ……………………………………… 1000 (individual)
43 Applying a non-domestic pesticide to ornamental vegetation, golf course turf and other non-crop areas without holding a Class E Pesticide Applicator Certificate …………………... 1000 (individual)
44 Applying a non-domestic forestry herbicide without holding a Class F-1 Pesticide Applicator Certificate ………………………………………... 5000 (corporation)
45 Applying a non-domestic pesticide for the production of tree seedlings for reforestation purposes without holding a Class F-2 Pesticide Applicator Certificate ………. 1000 (individual)
46 Applying a non-domestic pesticide in a greenhouse without holding a Class G Pesticide Applicator Certificate ………………….. 5000 (corporation)
47 Applying a soil fumigant pesticide without holding a Class H Pesticide Applicator Certificate …………………………… 5000 (corporation)
48 Applying a non-domestic pesticide for any purpose not specified in Classes A to H Pesticide Applicator Certificates without holding a Class I Pesticide Applicator Certificate ……………………………………… 1000 (individual)
49 Handling or transporting on a highway a non-domestic pesticide without holding a proper certificate or without being a certified assistant………………………… 1000 (individual)
50 Mixing a non-domestic pesticide without holding a proper certificate or without being a certified assistant……….. 1000 (individual)
51 Operating a business involving the sale or supply of a non-domestic pesticide without holding a Non-domestic Pesticide Vendor Business Licence ………………….. 30 5000 (corporation)
52 Selling a non-domestic or a Schedule 1 pesticide to a person without holding a Non-domestic Pesticide Vendor Certificate ……………………………………… 1000 (individual)
53 Providing pesticide related information or recommendations to another person without holding a Non-domestic Pesticide Vendor Certificate …………………………….. 31(1) 5000 (corporation)
54 Selling or offering to sell a non-domestic pesticide to a purchaser who does not hold an appropriate certificate, permit or licence ……………………………………… 1000 (individual)
55 Purchasing a non-domestic pesticide without holding an appropriate certificate or permit ……………………… 1000 (individual)
56 Purchasing a Schedule 1 pesticide without holding an appropriate certificate and permit ………………….. 5000 (corporation)
57 Selling or offering to sell a Schedule 1 pesticide to a purchaser who does not hold an appropriate certificate, permit and licence ……………………………………… 1000 (individual)
58 Improper use of a Pesticide Purchase Permit ………………………………………………………………… 33 5000 (corporation)
59 Giving, transferring, selling, lending or assigning a Pesticide Purchase Permit without authorization …………. 1000 (individual)
60 Applying a pesticide to any open body of water; to control mosquitoes or biting flies; or within a buffer zone without holding a Pesticide Application Permit ……………………………………….. 1000 (individual)
61 Applying a Schedule 1 pesticide without holding a Pesticide Application Permit ……………………………….. 35(a), 5000 (corporation)
62 Applying a prohibited pesticide ………………………………………………………………………………….. 35(d) 5000 (corporation)
63 Applying a pesticide or pesticide mixture using an aircraft…………… 36 5000 (corporation)
64 Filling, discharging, washing or flushing out any spray equipment used to apply pesticides within 25 meters of an open body of water…………………………………… 38(1)(a) 5000 (corporation)
65 Discharging, washing or flushing out any spray equipment used to apply pesticides within 25 meters of a water well………………………………………………… 38(1)(b) 5000 (corporation)
66 Bringing or abandoning a container in which a pesticide has been stored within 25 meters of an open body of water ………………………………….. 38(3) 5000 (corporation)
67 Applying a pesticide when wind speed exceeds 20 km/h ……… 39 5000 (corporation)
68 Discharging a pesticide, pesticide mixture or solution from equipment in a manner not permitted by the manufacturer’s label ………………………………………. 40 5000 (corporation)
2. These regulations come into force on June 24, 2006.

EXPLANATORY NOTES

The amendment adds offence and penalty provisions in the Summary Proceedings Act Ticket Regulations for offences and penalties outlined in the Pesticides Control Act Regulations.

EC2006-338

ADVISORY COUNCIL ON THE STATUS OF WOMEN ACT
ADVISORY COUNCIL ON THE STATUS OF WOMEN
APPOINTMENTS

Pursuant to section 5 of the Advisory Council on the Status of Women Act R.S.P.E.I. 1988, Cap. A-6 Council made the following appointments:

<table>
<thead>
<tr>
<th>NAME</th>
<th>TERM OF APPOINTMENT</th>
</tr>
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<tbody>
<tr>
<td>Kirstin Lund</td>
<td>28 January 2006 to 28 January 2008</td>
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<tr>
<td>Stratford (reappointed)</td>
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<tr>
<td>Elaine Rabinowitz</td>
<td>28 January 2006 to 28 January 2008</td>
</tr>
<tr>
<td>Breadalbane (reappointed)</td>
<td></td>
</tr>
<tr>
<td>Isabel Christian</td>
<td>13 June 2006 to 13 June 2009</td>
</tr>
<tr>
<td>Charlottetown (vice Wendy MacLaren, term expired)</td>
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</table>

Further, in accordance with section 7 of the said Act, Council appointed Kirstin Lund of Stratford as chairperson and Elaine Rabinowitz as vice-chairperson for the duration of their terms.