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 7181141 Canada Inc. of Miramichi, New Brunswick to acquire a land holding of approximately thirty-eight (38) acres of land in Lot 63, Kings County, Province of Prince Edward Island, being acquired from Scott Johnston of Murray River, Prince Edward Island.

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 7181141 Canada Inc. of Miramichi, New Brunswick to acquire a land holding of approximately one hundred and thirty-six decimal eight seven (136.87) acres of land in Lots 63 and 64, Kings County, Province of Prince Edward Island, being acquired from Northumberland Community Development Corporation of Murray River, Prince Edward Island.

Council noted that part of the said land holding, being a part of Provincial Property No. 427740, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act PROVIDED THAT such identification not prevent continued operation of a golf course on the property. This identification continues to apply.

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 Allan Weeks Real Estate Company Ltd. of Hunter River, Prince Edward Island to acquire a land holding of approximately zero decimal five six (0.56) acres of land in Lot 22, Queens County, Province of Prince Edward Island, being acquired from Allan G. Weeks of Hunter River, Prince Edward Island.
EC2010-103
PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
CAVENDISH BEACH MUSIC FESTIVAL 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 Cavendish Beach Music Festival Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately twenty-five (25) acres of land in Lot 23, Queens County, Province of Prince Edward Island, being acquired from Sea Cross Inc. of Charlottetown, Prince Edward Island.

EC2010-104
PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
COMPTON BROS. 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 Compton Bros. Inc. of Morell, Prince Edward Island to acquire a land holding of approximately twenty-three decimal three nine (23.39) acres of land in Lot 53, Kings County, Province of Prince Edward Island, being acquired from Ployer Farms Ltd. of Cardigan, 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.

EC2010-105
PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
HAMBLY ENTERPRISES 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 Hambly Enterprises Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately zero decimal zero seven (0.07) acres of land in Charlottetown, Queens County, Province of Prince Edward Island, being acquired from the City of Charlottetown, Prince Edward Island.
EC2010-106

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

Council, having under consideration Order-in-Council EC2009-107 of 24 February 2009, rescinded the said Order forthwith, thus rescinding permission for Island Holdings Ltd. of Saint John, New Brunswick to acquire, by lease, an interest in a land holding of approximately twenty-three (23) acres in Lot 22, Queens County, Province of Prince Edward Island, from Geoff MacLellan of Richmond Hill, Ontario.

EC2010-107

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ISLAND NATURE TRUST
(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 Island Nature Trust of Charlottetown, Prince Edward Island to acquire a land holding of approximately eighty-six (86) acres of land in Lot 45, Kings County, Province of Prince Edward Island, being acquired from E. Roger Townshend 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.

EC2010-108

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
PARKDALE PHARMACY (1981) 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 Parkdale Pharmacy (1981) Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately one decimal six eight (1.68) acres of land in Lot 32, Queens County, Province of Prince Edward Island, being acquired from Canadian Horizons Inc. of Charlottetown, Prince Edward Island.
EXECUTIVE COUNCIL ___________________________ 23 FEBRUARY 2010

EC2010-109
PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
PONDSEDGE FARMS INC.
(TO RESCIND)

Council, having under consideration Order-in-Council EC2007-470 [REISSUED] of 31 July 2007, rescinded the said Order forthwith, thus rescinding permission for Pondsedge Farms Inc. to acquire a land holding of approximately fifty-eight decimal one zero (58.10) acres from Paul MacDonald and Arthur MacDonald, both of Souris, Prince Edward Island.

EC2010-110
PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
PONDSEDGE FARMS 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 Pondsedge Farms Inc. of Souris, Prince Edward Island to acquire a land holding of approximately fifty-eight decimal one zero (58.10) acres of land in Lot 56, Kings County, Province of Prince Edward Island, being acquired from Paul MacDonald and Arthur MacDonald, both of Souris, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property Nos. 650077 and 650069, 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.

EC2010-111
PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
RUSSELL CHING LIMITED
(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 Russell Ching Limited of Souris, Prince Edward Island to acquire a land holding of approximately ninety (90) acres of land in Lot 46, Kings County, Province of Prince Edward Island, being acquired from Lloyd J. MacDonald, Margaret J. MacDonald, and the Estate of Gerald MacDonald, all of Whitby, Ontario 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.
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 Smooth-Coat Drywall Ltd. doing business as Village Vista Enterprises of Breadalbane, Prince Edward Island to acquire a land holding of approximately zero decimal three five (0.35) acres of land in Lot 18, Prince County, Province of Prince Edward Island, being acquired from Jose DaSilva and Hazel DaSilva, both of Markham, Ontario.

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 Colin Ewing and Glenda Ewing, both of Cornwall, Prince Edward Island to acquire a land holding of approximately forty (40) acres of land in Lot 67, Queens County, Province of Prince Edward Island, being acquired from Muriel French and Carter French, both of Springton, 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.

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 Jay Hageman of Fairmount, Illinois to acquire a land holding of approximately forty-five (45) acres of land in Lot 49, Queens County, Province of Prince Edward Island, being acquired from John Henry VanOmmme, Herman Joseph VanOmmme, Lambert Blair VanOmmme, Nancy Flora Janette Mills and Hendrika Betty Judson, all of Mount Mellick, 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.
EXECUTIVE COUNCIL ___________________________ 23 FEBRUARY 2010

EC2010-115

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
WILLIAM HAMBLY AND NICOLA KEATING
(APPROVAL)

Pursuant to section 4 of the Prince Edward Island Lands Protection Act R.S.P.E.I. 1988, Cap. L-5 Council granted permission to William Hambly of Sarnia, Ontario and Nicola Keating of Halifax, Nova Scotia to acquire an interest in a land holding of approximately zero decimal zero seven (0.07) acres of land in Charlottetown, Queens County, Province of Prince Edward Island, being acquired from the City of Charlottetown, Prince Edward Island.

EC2010-116

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
STEVEN VICTOR MACFADYEN AND ELIZABETH LYNN MACFADYEN
(APPROVAL)

Pursuant to section 4 of the Prince Edward Island Lands Protection Act R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Steven Victor MacFadyen and Elizabeth Lynn MacFadyen, both of Fort Simpson, Northwest Territories to acquire a land holding of approximately twenty-six (26) acres of land in Lot 31, Queens County, Province of Prince Edward Island, being acquired from Heather Campbell of Charlottetown, Prince Edward Island.

EC2010-117

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
STERLING STEWART
(APPROVAL)

Pursuant to section 4 of the Prince Edward Island Lands Protection Act R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Sterling Stewart of Miramichi, New Brunswick to acquire an interest in a land holding of approximately thirty-eight (38) acres of land in Lot 63, Kings County, Province of Prince Edward Island, being acquired from Scott Johnston of Murray River, Prince Edward Island.
Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Sterling Stewart of Miramichi, New Brunswick to acquire an interest in a land holding of approximately one hundred and thirty-six decimal eight seven (136.87) acres of land in Lots 63 and 64, Kings County, Province of Prince Edward Island, being acquired from Northumberland Community Development Corporation of Murray River, Prince Edward Island.

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 Leslie Leroy Williams and Brenda Kathleen Williams, both of Edmonton, Alberta to acquire a land holding of approximately one hundred and eighty decimal seven four (180.74) acres of land in Lot 63, Kings County, Province of Prince Edward Island, being acquired from Patricia Lannon, Trustee (formerly Patricia Hames and Lance Hames) of Saint John’s, Newfoundland and Labrador PROVIDED THAT the two properties, being Provincial Property Nos. 251231 and 846352, are consolidated and identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

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 eighty-five (85) acres of land, being Provincial Property No. 389361 located in Lot 49, Queens County, Prince Edward Island and currently owned by Vanco Farms Ltd. of Mount Albion, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately ten (10) acres, and determined that following subdivision, identification for non-development use shall continue to apply to the new lot and to the remaining land.

This Order-in-Council comes into force on 23 February 2010.
EC2010-121
PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 767491, LOT 8, PRINCE 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 twelve decimal five seven (112.57) acres of land, being Provincial Property No. 767491 located in Lot 8, Prince County, Prince Edward Island and currently owned by William C. Folland of Glenwood, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately one (1) acre, SUBJECT TO the subdivided parcel being consolidated with the adjacent Provincial Property No. 46995. Further, Council 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 23 February 2010.

EC2010-122
MUSEUM ACT
PRINCE EDWARD ISLAND MUSEUM AND HERITAGE FOUNDATION
BOARD OF GOVERNORS
DESIGNATION


EC2010-123
PUBLIC DEPARTMENTS ACT
ACTING MINISTER
APPOINTMENT

Under authority of subsection 4(2) of the Public Departments Act, R.S.P.E.I. 1988, Cap. P–29 the following appointment was made:

Honourable Robert Ghiz to be Acting Minister of Tourism and Culture commencing on 28th day of February 2010 and continuing for the duration of the absence from the Province of Honourable Robert Vessey.
EC2010-124

PROVINCIAL COURT ACT
JUSTICE OF THE PEACE
APPOINTMENT


Further, Council ordered that the appointment of Charles McNally be limited to matters related to the Community of Borden-Carleton bylaws, and should he cease to be employed by the Community of Borden-Carleton in his present capacity, that his appointment as a Justice of the Peace shall terminate coincident with the date his employment terminates.

EC2010-125

AN ACT TO AMEND THE REVENUE TAX ACT
DECLARATION RE


EC2010-126

REVENUE TAX ACT
REGULATIONS
AMENDMENT

Pursuant to section 57 of the Revenue Tax Act R.S.P.E.I. 1988, Cap. R-14, Council made the following regulations:

1. Subsection 1(1) of the Revenue Tax Act Regulations (EC262/60) is amended by the revocation of clause (t.2) and the substitution of the following:

   (t.2) “silviculturist” means silviculturist
   (i) an individual who earns at least 25 percent of the individual’s gross annual income from the cultivation and harvesting of forest trees for sale,
   (ii) a corporation that
      (A) is registered in the province,
      (B) is actively engaged in the practice of silviculture,
      (C) earns at least 25 per cent of the corporation’s gross annual income from the cultivation and harvesting of forest trees for sale, or
   (iii) a partnership that
      (A) is registered in the province,
      (B) is actively engaged in the practice of silviculture,
      (C) earns at least 25 per cent of the partnership’s gross annual income from the cultivation and harvesting of forest trees for sale;

2. Subsection 12(6) of the regulations is revoked.

3. Subsection 13.1(1) of the regulations is amended by the addition of the words “silviculturist,” after the words “a farmer,”.
4. Subsection 14(1) of the regulations is amended

(a) by the addition of the words “silviculturist,” after the words “a farmer,”; and

(b) by the addition of the words “silviculturist,” after the words “the farmer,” wherever they occur.

5. The regulations are amended by the addition of the following after section 28.1:

28.2 For the purpose of clause 12(1)(f.01) of the Act, “machinery and equipment including parts thereof” means the following goods when purchased by a silviculturist for forestry use and not for any other commercial operation:

-A-
Alarm systems that monitor temperature and humidity levels where their use is required to prevent death of or damage to seedlings, plants, trees or shrubs
Altimeters used to measure tree heights
Augers — post hole, tree
Aaxes

-B-
Baler machines and twine — trees
Batteries specially designed for farm tractors, tree harvesters, skidders and similar wood harvesting equipment
Brush saws
Buckets — rubber, metal and plastic
Buckets, blades and rear blades or front-end loaders designed and marketed specially for use on farm tractors

-C-
Calcium chloride installed in farm tractor tires
Calipers used to measure tree diameters
Cans for maple syrup
Cant hooks
Carriers used within the confines of a greenhouse
Chains — logging and boom
Chains — tire for farm tractors
Chain saws
Climatometers
Containers for use in processing, shipping or delivering maple products, plants, trees, shrubs
Control equipment and distribution pipes for CO₂ fertilizer
Cultivators

-D-
Debarkers
Delimiters
Diameter tape used to measure tree diameters
Disinfectants
Draft horses
Drainage tile for cultivated land drainage
Dusters and sprayers

-E-
Ear protectors — safety
Evaporation pans
Evaporators
Extractors

-F-
Face masks — safety
Fencing tools
Ferrules
Fertilizer applicators and tanks
Files for saw sharpening and related devices
Filters — processing
Fittings for wire rope and cable used in woods operations
Fogging machines
Forklift attachments designed and marketed specially for attachment to farm tractors
Forwarders — wood, tree

-G-
Gardening tools used in the production of crops for re-sale
Greenhouse pots and flats
Grooming brushes

-H-
Harness
Harrors and tillers
Harvesters — wood and tree
Heating systems in greenhouses
Hoes
Horseshoes
Humidifiers and dehumidifiers in greenhouses
Humidistats in greenhouses
Hydrometers

-I-
Increment borers used to determine the age of trees
Insecticides and concentrates
Irrigation systems, including power units if they are an integral part of the pumps, tubing, sprinklers and fittings

-L-
Labels for containers used in processing, shipping or delivering products
Land packers
Limbing tools
Lime bulk boxes
Lime spreaders
Line rigging used in woods operations
Liquid fertilizer dilutors, injectors and valves
Logging arches

-M-
Mistblowers
Moisture control equipment
Mowing machines
Mulch — plastic, fabric or organic

-N-
Nozzles — hose

-P-
Pails — metal, plastic or rubber
Pails — sap
Peavies, picaroons, pike hooks and poles
Pesticides
Plant growth regulants
Planting tools and trays
Plastic film with ultra-violet barrier
Plastic netting for baling trees
Plastic tubing used in maple sugar production
Plows, except those designed for bull-dozing or snow removal
Porters — wood and tree
Potting machines
Power tappers
Processors — wood and tree
Protective clothing and devices used in the distribution of control chemicals
Pruning and limbing tools
Pulp hooks

-R-
Rakes
Repair labour (service) to any goods listed in this schedule
Rock pickers
Rotivators

Saw sharpening devices
Scaling equipment, including sticks, tapes and measuring devices
Scarification and soil equipment for land preparation
Scoots
Scythes and blades for scythes
Seeders and planters
Shears
Shovels
Skidders
Skidder cables and chokers
Skidding cones
Slashers
Sleds and trailers used to move logs from stump to skidway in the woods
Sockets for wire rope and cable used in woods operations
Sod plows
Soil mining machinery used by greenhouse operators
Soil pasteurizers
Spiles
Sprayers and spreaders
Sprinkler systems for greenhouses
Strainers for maple products
Sulkies and other similar wood forwarding equipment

Taps — sap
Thermostats and temperature control panels for greenhouses
Tillers — garden-type
Tire chains for off-road forestry harvesting equipment
Tractors — wheeled farm-type with at least 25 horsepower
Transplanting machines
Tree farmers
Tree harvesters
Tree harvester and skidder attachment

Ventilation equipment for greenhouses

Water heaters — portable immersion
Water warmers
Waterers and automatic shut-offs
Watering equipment for field irrigation
Watering equipment and programmers used in greenhouses
Weed burners
Wheelbarrows
Wheeled hoes
Winching equipment
Wire rope and cable used in woods operations
Wood chippers
Wood drying equipment
Wood splitters
Wrappers for seedlings and maple products

Yankie yankers

6. These regulations come into force on March 6, 2010.

EXPLANATORY NOTES

SECTION 1 amends the definition of “silviculturist” in the definition section of the regulations.
SECTION 2 revokes a provision in the regulations dealing with a tax refund on the purchase of goods by a silviculturist. The provision is being placed elsewhere in the regulations.

SECTION 3 adds a silviculturist to the list of persons to whom the Minister may issue a Revenue Tax Exemption Permit. The list includes a silviculturist, in addition to a farmer, commercial fisher and an aquaculturist.

SECTION 4 adds a silviculturist to the list of persons who are exempt from paying tax under the Act when goods are purchased for use in each person’s respective industry. A silviculturist, in addition to a farmer, commercial fisher and an aquaculturist, is exempt from the payment of tax when goods are purchased as long as the vendor is presented with a valid Revenue Tax Exemption Permit in the name of the silviculturist, farmer, commercial fisher or aquaculturist.

SECTION 5 outlines the list of goods included in the definition of “machinery and equipment including parts thereof” when purchased by a silviculturist for forestry use only and not for any other commercial operation.

SECTION 6 provides for the commencement of these regulations.

EC2010-127

SUMMARY PROCEEDINGS ACT
TICKET REGULATIONS
AMENDMENT

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 (EC58/08) is amended, in Part 30, by the addition of the following immediately after item 311:

311.1  Driver driving while holding or using hand-held communication device capable of receiving or transmitting phone calls, electronic data, email or text messages……...  291.1(1)  250

2. These regulations come into force on March 6, 2010.

EXPLANATORY NOTES

The amendment updates the ticketable offences outlined in the Highway Traffic Act in respect of hand-held communication devices.