

EC2015-382

EXECUTIVE COUNCIL ACT
MINISTER OF AGRICULTURE AND FISHERIES
AUTHORITY TO ENTER INTO AN AGREEMENT
(SERVICE CONTRACT 2015/2016
POTATO WART DOMESTIC LONG-TERM MANAGEMENT PLAN)
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 and Fisheries to enter into an agreement with the Canadian Food Inspection Agency to set out terms and conditions for delivery of cleaning and disinfection services in fiscal year 2015/16 as part of the Potato Wart Domestic Long-Term Management Plan, such as more particularly described in the draft agreement.

EC2015-383

EXECUTIVE COUNCIL ACT
PREMIER
AUTHORITY TO ENTER INTO AN AGREEMENT
(ATLANTIC MEMORANDUM OF UNDERSTANDING
CONCERNING APPRENTICE MOBILITY)
WITH THE PROVINCES OF
NEW BRUNSWICK
NOVA SCOTIA
AND
NEWFOUNDLAND AND LABRADOR

Pursuant to clause 10(b) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Premier to enter into an agreement with the Governments of the Provinces of New Brunswick, Nova Scotia and Newfoundland and Labrador, as represented by their respective Premiers, to articulate the intentions of the parties to work cooperatively to enable seamless mobility for apprentices across participating provinces and a consistent approach to recognition of pre-employment training and practical work experience, such as more particularly described in the draft agreement.

EC2015-384

EXECUTIVE COUNCIL ACT
PREMIER
AUTHORITY TO ENTER INTO AN AGREEMENT
(PROVINCIAL-TERRITORIAL APPRENTICE MOBILITY PROTOCOL)
WITH
THE PROVINCES AND THE TERRITORIES

Pursuant to clause 10(b) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Premier to enter into an agreement with the Governments of the other Provinces and the Territories, as represented by their respective Premiers, to set out general principles and a protocol for implementing a pan-Canadian approach to apprenticeship training and mobility to ensure availability of a skilled, competitive labour force across jurisdictions, such as more particularly described in the draft agreement.

EC2015-385

EXECUTIVE COUNCIL ACT
MINISTER OF WORKFORCE AND ADVANCED LEARNING
AUTHORITY TO ENTER INTO AN AGREEMENT
(PROVINCIAL-TERRITORIAL APPRENTICE MOBILITY AGREEMENT)
WITH
THE PROVINCES AND THE TERRITORIES

Pursuant to clause 10(b) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Workforce and Advanced Learning to enter into an agreement with the Governments of the other Provinces and the Territories as represented by their respective Labour Market Ministers, to set out principles and the commitments of the parties in achieving a provincial-territorial approach to apprenticeship mobility to ensure availability of a skilled, competitive labour force, reduce barriers to apprentice mobility, and leverage employment and training opportunities for Canadians, such as more particularly described in the draft agreement.

EC2015-386

FINANCIAL ADMINISTRATION ACT
PRINCE EDWARD ISLAND GRAIN ELEVATORS CORPORATION
GUARANTEE OF LOAN

Having under consideration the recommendation of Treasury Board (reference Minute TB#53/15 of June 17, 2015), pursuant to subsection 32(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council agreed to guarantee payment of a revolving line of credit loan by Prince Edward Island Grain Elevators Corporation (hereinafter referred to as "the borrower") in an amount not exceeding eight million dollars (\$8,000,000.00) (hereinafter referred to as the "guaranteed indebtedness") together with interest thereon at prime minus zero decimal two five (0.25) percent on direct advances or Bankers' acceptance fee of one decimal three (1.3) percent per annum to the Bank of Nova Scotia in Charlottetown, Prince Edward Island (hereinafter referred to as "the lender"), from the 23rd day of June 2015 through to and including 1700 hours on the 31st day of July 2016, the said guarantee to be subject to and conditional upon the following terms and conditions:

1. The guaranteed indebtedness, including interest, shall be due and payable in full by the borrower no later than the 31st day of July 2016.
2. Any advances made by the lender after the 31st day of July 2016 shall not form part of the guaranteed indebtedness.
3. The guarantee shall absolutely expire and be null and void without notice to the lender at 1700 hours on the 31st day of July 2016 regardless of any advances that may have been made by the lender to the borrower unless on or before the 31st day of July 2016, notice has been given to the Government of Prince Edward Island, as represented by the Minister of Finance that the borrower has defaulted in repayment of the guaranteed indebtedness to the lender, and calling upon the Minister of Finance to pay the lender pursuant to the guarantee. The written notice shall include a copy of the written demand given by the lender to the borrower calling upon the borrower to pay the balance in full.
4. Government shall be entitled at any time to terminate the guarantee by paying to the lender such amount of the guaranteed indebtedness as may be owing by the borrower to the lender and the lender shall assign to the government all security the lender holds in connection with the guaranteed indebtedness.
5. The Minister of Finance may add such further terms and conditions to the guarantee as he considers appropriate.
6. The guarantee shall not become effective until the lender has agreed in writing to the terms and conditions herein contained and those imposed by the Minister of Finance pursuant to paragraph 5 above. The guaranteed indebtedness shall not include any advances made by the lender prior to the agreement by the lender with the terms and conditions herein contained and those imposed by the Minister of Finance.

Order-in-Council EC2014-415 of July 8, 2014 is hereby rescinded.

EC2015-387

FINANCIAL ADMINISTRATION ACT PRINCE EDWARD ISLAND GRAIN ELEVATORS CORPORATION GUARANTEE OF LOAN

Having under consideration the recommendation of Treasury Board (reference Minute TB#54/15 of June 17, 2015), pursuant to subsection 32(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council agreed to guarantee payment of term loan by the Prince Edward Island Grain Elevators Corporation (hereinafter referred to as "the borrower") in an amount not exceeding three million, three hundred thousand dollars (\$3,300,000.00) (hereinafter referred to as the "guaranteed indebtedness") together with interest thereon at the option to transfer between prime minus zero decimal two five (0.25) percent or the Banker's Acceptance Rate to the Bank of Nova Scotia in Charlottetown, Prince Edward Island (hereinafter referred to as "the lender"), from the 23rd day of June 2015, through to and including 1700 hours on the 1st day of January 2021, subject to renewal prior to expiry, the said guarantee to be subject to and conditional upon the following terms and conditions:

1. The guaranteed indebtedness, including interest, shall be due and payable in full by the borrower no later than the 1st day of January 2021.
2. Any advances made by the lender after the 1st day of January 2021 shall not form part of the guaranteed indebtedness.
3. The guarantee shall absolutely expire and be null and void without notice to the lender at 1700 hours on the 1st day of January 2021 regardless of any advances that may have been made by the lender to the borrower unless on or before the 1st day of January 2021, notice has been given to the Government of Prince Edward Island, as represented by the Minister of Finance that the borrower has defaulted in repayment of the guaranteed indebtedness to the lender, and calling upon the Minister of Finance to pay the lender pursuant to the guarantee. The written notice shall include a copy of the written demand given by the lender to the borrower calling upon the borrower to pay the balance in full.
4. Government shall be entitled at any time to terminate the guarantee by paying to the lender such amount of the guaranteed indebtedness as may be owing by the borrower to the lender and the lender shall assign to the government all security the lender holds in connection with the guaranteed indebtedness.
5. The Minister of Finance may add such further terms and conditions to the guarantee as he considers appropriate.
6. The guarantee shall not become effective until the lender has agreed in writing to the terms and conditions herein contained and those imposed by the Minister of Finance pursuant to paragraph 5 above. The guaranteed indebtedness shall not include any advances made by the lender prior to the agreement by the lender with the terms and conditions herein contained and those imposed by the Minister of Finance.

Orders-in-Council EC2012-217 of May 2, 2012 is hereby rescinded.

EC2015-388

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ELISABETH BASTON
(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 Elisabeth Baston of Toronto, Ontario to acquire a land holding of approximately one hundred and twelve decimal two two (112.22) acres of land at Appin Road, Lot 30, Queens County, Province of Prince Edward Island, being acquired from Sarah Hunter of Bonshaw, 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.

EC2015-389

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
IAN ELLISON AND ERIKA SZMECK
(DENIAL)

Council, having under consideration an application (#N5365) for acquisition of a land holding under authority of section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap L-5, denied permission to Ian Ellison and Erika Szmeck, both of Moorefield, Ontario to acquire a land holding of approximately fifty-seven (57) acres of land at Stratford, Lot 48, Queens County, currently owned by Allan L. Balderston and Linda Dianne Balderston, both of Stratford, Prince Edward Island.

EC2015-390

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ALLAN MACDONALD AND LAURA MACDONALD
(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 Allan MacDonald and Laura MacDonald, both of Fort McMurray, Alberta to acquire a land holding of approximately zero decimal three four (0.34) acres of land at Glenfinnan, Lot 35, Queens County, Province of Prince Edward Island, being acquired from Shawn MacFadyen of Glenfinnan, Prince Edward Island.

EC2015-391

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
LINDA MCGIVERN
(DENIAL)

Council, having under consideration an application (#N5344) for acquisition of a land holding under authority of section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap L-5, denied permission to Linda McGivern of Rollinsford, New Hampshire to acquire a land holding of approximately fifty decimal five one (50.51) acres of land at Goose River, Lot 42, Kings County, currently owned by David Richard of Stratford, Prince Edward Island.

EC2015-392

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 101739 P.E.I. 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 101739 P.E.I. Inc. of Kinkora, Prince Edward Island to acquire a land holding of approximately one hundred and forty-two (142) acres of land at Bayview, Lot 22, Queens County, Province of Prince Edward Island, being acquired from Mulligan Bros. Ltd. of Kinkora, 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.

EC2015-393

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 BELL ALIANT REGIONAL COMMUNICATIONS 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 Bell Aliant Regional Communications Inc. of Halifax, Nova Scotia to acquire, by lease, an interest in a land holding of approximately zero decimal zero one (0.01) acres (approximately 626 square feet) of land at Mont Carmel, Lot 15, Prince County, Province of Prince Edward Island, being acquired from Viola Irene Arsenault and James William Arsenault, both of Wellington Station, Prince Edward Island.

EC2015-394

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 BLACK RIVER HOLDINGS 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 Black River Holdings Inc. of Mount Albion, Prince Edward Island to acquire a land holding of approximately eleven decimal four seven (11.47) acres of land at Pisquid East, Lot 37, Queens County, Province of Prince Edward Island, being acquired from Robert Robinson and Laura Robinson, both of Mount Stewart, 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.

EC2015-395

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
CAVENDISH TOURISM COMPLEX DEVELOPMENT 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 Tourism Complex Development Inc. of Hunter River, Prince Edward Island to acquire a land holding of approximately forty-four decimal seven five (44.75) acres of land at Cavendish, Lot 23, Queens County, Province of Prince Edward Island, being acquired from A & D Holdings Inc. of Charlottetown, Prince Edward Island.

EC2015-396

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
FIERA AXIUM WIND LIMITED PARTNERSHIP,
BY ITS GENERAL PARTNER,
FIERA AXIUM WIND GP 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 Fiera Axium Wind Limited Partnership, by its General Partner, Fiera Axium Wind GP Inc. of Montreal, Quebec to acquire, by way of purchase of shares, an interest in a land holding of approximately eighty-four decimal five six (84.56) acres of land at Springfield West, Lot 7; Cape Wolfe, Lots 7 and 8; West Cape, Lots 7 and 8; and West Point, Lot 8; Prince County, Province of Prince Edward Island, being acquired from C2C Power LP of Markham, Ontario.

EC2015-397

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
FIERA AXIUM WIND LIMITED PARTNERSHIP,
BY ITS GENERAL PARTNER,
FIERA AXIUM WIND GP 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 Fiera Axium Wind Limited Partnership, by its General Partner, Fiera Axium Wind GP Inc. of Montreal, Quebec to acquire, by way of purchase of shares, an interest in a land holding of approximately four decimal one (4.1) acres of land at Norway, Lot 1, Prince County, Province of Prince Edward Island, being acquired from C2C Power LP of Markham, Ontario.

EC2015-398

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
FORTUNE COVE FARMS 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 Fortune Cove Farms Ltd. of O'Leary, Prince Edward Island to acquire a land holding of approximately ninety-four decimal seven two (94.72) acres of land at Fortune Cove, Lot 6, Prince County, Province of Prince Edward Island, being acquired from Mary Laura Gamble of O'Leary, 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.

EC2015-399

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
FORTUNE COVE FARMS 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 Fortune Cove Farms Ltd. of O'Leary, Prince Edward Island to acquire a land holding of approximately thirty-six (36) acres of land at Cascumpec, Lot 6, Prince County, Province of Prince Edward Island, being acquired from James Yeo of Cascumpec, 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.

EC2015-400

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MIT RENEWABLES 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 MIT Renewables Inc. of Toronto, Ontario to acquire, by way of purchase of shares, an interest a land holding of approximately eighty-four decimal five six (84.56) acres of land at Springfield West, Lot 7; Cape Wolfe, Lots 7 and 8; West Cape, Lots 7 and 8; and West Point, Lot 8; Prince County, Province of Prince Edward Island, being acquired from C2C Power LP of Markham, Ontario.

EC2015-401

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MIT RENEWABLES 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 MIT Renewables Inc. of Toronto, Ontario to acquire, by way of purchase of shares, an interest in a land holding of approximately four decimal one (4.1) acres of land at Norway, Lot 1, Prince County, Province of Prince Edward Island, being acquired from C2C Power LP of Markham, Ontario.

EC2015-402

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
RED EARTH 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 Red Earth Farms Inc. of Summerside, Prince Edward Island to acquire a land holding of approximately twenty (20) acres of land at Miscouche, Lot 17, Prince County, Province of Prince Edward Island, being acquired from Della Gillis and the Estate of Donald Gillis, both of Miscouche, Prince Edward Island PROVIDED THAT the portion of the said real property located outside the Community of Miscouche, being approximately nineteen decimal five (19.5) acres, is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2015-403

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
STEPHEN LANK ENTERPRISES 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 Stephen Lank Enterprises Inc. of Cornwall, Prince Edward Island to acquire a land holding of approximately one decimal seven six (1.76) acres of land at Stanley Bridge, Lot 22; Green Bay, Lot 30; and Savage Harbour, Lot 37; Queens County, Province of Prince Edward Island, being acquired from Honourable Allen Roach, Minister of Finance of Charlottetown, Prince Edward Island.

EC2015-404

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 DOUGLAS WAYNE MILLER AND WILLIAM DOUGLAS MILLER
 DOING BUSINESS AS WAYNECROFT FARMS
 (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 Douglas Wayne Miller and William Douglas Miller, doing business as Waynecroft Farms of Miscouche, Prince Edward Island to acquire a land holding of approximately one hundred decimal eight (100.8) acres of land at Central Lot 16, Lot 16, Prince County, Province of Prince Edward Island, being acquired from Ralph Milton Yeo of Summerside, 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 Douglas Wayne Miller and William Douglas Miller, doing business as Waynecroft Farms and on all successors in title.

EC2015-405

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 DOUGLAS WAYNE MILLER AND WILLIAM DOUGLAS MILLER
 DOING BUSINESS AS WAYNECROFT FARMS
 (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 Douglas Wayne Miller and William Douglas Miller, doing business as Waynecroft Farms of Miscouche, Prince Edward Island to acquire a land holding of approximately fifty-six decimal seven five (56.75) acres of land at Central Lot 16, Lot 16, Prince County, Province of Prince Edward Island, being acquired from Ralph Milton Yeo of Summerside, 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.

EC2015-406

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 WEEKSTOWN HOLSTEINS INC.
 (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 Weekstown Holsteins Inc. of Hunter River, Prince Edward Island to acquire a land holding of approximately seventy-two decimal two (72.2) acres of land at Hazelgrove, Lot 22, Queens County, Province of Prince Edward Island, being acquired from Donald MacFadyen and Carolyn MacFadyen, both of Cornwall, 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.

EC2015-407

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 WEST CAPE WIND ENERGY LP,
 BY ITS GENERAL PARTNER,
 VENTUS ENERGY WEST CAPE GENERAL PARTNER LIMITED
 (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 West Cape Wind Energy LP, by its General Partner, Ventus Energy West Cape General Partner Limited of Markham, Ontario to acquire, by grant of easement, an interest in a land holding of approximately four (4) acres of land at Cape Wolfe, Lot 7, Prince County, Province of Prince Edward Island, being acquired from Paula MacNeill of O'Leary, Prince Edward Island.

EC2015-408

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 WEST CAPE WIND ENERGY LP,
 BY ITS GENERAL PARTNER,
 VENTUS ENERGY WEST CAPE GENERAL PARTNER LIMITED
 (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 West Cape Wind Energy LP, by its General Partner, Ventus Energy West Cape General Partner Limited of Markham, Ontario to acquire, by grant of easement, an interest in a land holding of approximately zero decimal one six (0.16) acres of land at West Cape, Lot 7, Prince County, Province of Prince Edward Island, being acquired from Vance MacMillan of Cape Wolfe, Prince Edward Island.

EC2015-409

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 WEST CAPE WIND ENERGY LP,
 BY ITS GENERAL PARTNER,
 VENTUS ENERGY WEST CAPE GENERAL PARTNER LIMITED
 (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 West Cape Wind Energy LP, by its General Partner, Ventus Energy West Cape General Partner Limited of Markham, Ontario to acquire, by grant of easement, an interest in a land holding of approximately zero decimal one (0.1) acres of land at West Cape, Lot 7, Prince County, Province of Prince Edward Island, being acquired from Brian MacNeill of O'Leary, Prince Edward Island.

EC2015-410

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
LADY SLIPPER FARMS LIMITED
(TO RESCIND)

Council, having under consideration Order-in-Council EC2005-34 of January 18, 2005, rescinded the said Order forthwith, thus rescinding permission for Lady Slipper Farms Limited of Saint John, New Brunswick to acquire, by lease, an interest in a land holding or land holdings of up to two hundred and sixty-nine (269) acres of land as part of the said corporation's aggregate land holdings.

EC2015-411

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
LADY SLIPPER FARMS LIMITED
(APPROVAL)

Pursuant to section 5 and clause 5.3(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Lady Slipper Farms Limited of Saint John, New Brunswick to acquire, by lease, an interest in a land holding or land holdings of up to nine hundred and ninety-nine (999) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said Lady Slipper Farms Limited files a statement with the Island Regulatory and Appeals Commission within one year of the date of this Order and prior to 31 December in every subsequent year disclosing the parcel number, the acreage and the term of lease for each parcel leased during the reporting period covered by the statement.

EC2015-412

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
FORTUNE COVE FARMS LTD.
(APPROVAL)

Pursuant to section 5 and clause 5.3(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Fortune Cove Farms Ltd. of O'Leary, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to one hundred and seventy-five (175) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said Fortune Cove Farms Ltd. files a statement with the Island Regulatory and Appeals Commission within one year of the date of this Order and prior to 31 December in every subsequent year disclosing the parcel number, the acreage and the term of lease for each parcel leased during the reporting period covered by the statement.

EC2015-413

**NATURAL PRODUCTS MARKETING ACT
LOBSTER MARKETING BOARD REGULATIONS**

Pursuant to subsection 4(2) of the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3, Council made the following regulations:

1. (1) In these regulations, Definitions
- (a) “Act” means the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3; Act
- (b) “Association” means the Prince Edward Island Fishermen’s Association Inc.; Association
- (c) “Board” means the Lobster Fishers of Prince Edward Island constituted under section 2; Board
- (d) “buyer” means any person holding a lobster buying license issued pursuant to section 7 of the *Fisheries Act* Regulations (EC873/95); buyer
- (e) “Council” means the Prince Edward Island Marketing Council; Council
- (f) “levy” means the levy imposed upon lobster fishers that is collected by buyers and remitted to the Board in accordance with section 25; levy
- (g) “lobster” means any member of the species *Homarus americanus*; lobster
- (h) “lobster fisher” means an individual marine lobster fisher engaged in fishing lobster for gain or profit and holding a valid lobster fishing license issued by the Department of Fisheries and Oceans (Canada); lobster fisher
- (i) “local association” means any one of the following local fishing associations: local association
- (i) Central Northumberland Strait Fishermen’s Association,
(ii) Eastern Kings Fishermen’s Association,
(iii) North Shore Fishermen’s Association,
(iv) Prince County Fishermen’s Association,
(v) Southern Kings and Queens Fishermen’s Association,
(vi) Western Gulf Fishermen’s Association;
- (j) “marketing” means the marketing and promotion of lobster; marketing
- (k) “marketing plan” means any plan established by the Board for the marketing of lobster that includes a levy; marketing plan
- (l) “point of sale” means the sale of lobster from a lobster fisher to a buyer in accordance with these regulations; point of sale
- (m) “registered lobster fisher” means a lobster fisher registered by the Board under section 16; registered lobster fisher
- (n) “regulated product” means lobster. regulated product
- (2) The Board may define any term used in a Board order if the term is not defined in the Act or these regulations. Board definitions
2. (1) The Lobster Fishers of Prince Edward Island Board established
- (a) is constituted as a commodity board under subsection 4(2) of the Act to administer the levy and the marketing of lobster from the province; and
- (b) shall represent and protect the interests of the province’s lobster fishers at the provincial and national levels.
- (2) Every lobster fisher who, immediately before this section comes into force, is a member of the Association and has a lobster license issued by the Department of Fisheries and Oceans (Canada), is deemed, on the date this section comes into force, to be a registered lobster fisher for a period of six months from the date this section comes into force, unless the lobster fisher ceases to be a registered lobster fisher under these regulations. Registered lobster fisher

3. (1) Notwithstanding section 4, the initial members of the Board shall be the persons who are members of the board of directors of the Association on the date these regulations come into force. Initial members of Board
- (2) The chairperson of the Association shall be the president of the Board. Chairperson
- (3) The first meeting of the Board shall be held within 30 days of the date these regulations come into force. First meeting of Board
- (4) At its first meeting the Board shall Officers, employees
- (a) elect from its members a vice-chairperson and a secretary of the Board; and
- (b) appoint a treasurer and other officers and employees as the Board considers necessary for a period not exceeding 15 months.
- (5) The Board shall 2016 election
- (a) call and publish notice of an annual general meeting for all members to be held in March or April of 2016; and
- (b) call on each local association to conduct elections in accordance with section 19 before the annual general meeting.
4. (1) The Board shall be comprised of 12 members, equally representing the 6 local associations, as set out in subsection (2). Membership of Board
- (2) Subject to subsection (3), the Board shall be composed of the following members who have been elected by a majority of the registered lobster fishers for each local association: *Idem*
- (a) two members of the Central Northumberland Straight Fishermen's Association;
- (b) two members of the Eastern Kings Fishermen's Association;
- (c) two members of the North Shore Fishermen's Association;
- (d) two members of the Prince County Fishermen's Association;
- (e) two members of the Southern Kings and Queens Fishermen's Association; and
- (f) two member of the Western Gulf Fishermen's Association.
- (3) One member elected by each local association shall be either the President or Vice-President of the local association at the time the election is held, but where neither the President nor the Vice-President of the local association is a registered lobster fisher, any executive member of the local association who is a registered lobster fisher may stand for election as a member. Association executive member
- (4) An association executive member elected pursuant to subsection (3) shall hold office for a term of one year. Term
- (5) One member elected by each local association shall be a member at large. Member at large
- (6) A member of the executive of a local association is not eligible to be elected or to serve as a member at large. Executive not eligible
- (7) A member at large elected pursuant to subsection (5) shall hold office for a term of three years. Term
- (8) The members of the Board shall assume their office, duties and responsibilities as Board members at the annual general meeting. Assumption of duties
- (9) At the first meeting of the first Board in March or April of 2016, the Board shall, from its members, First meeting
- (a) elect a chairperson and vice-chairperson; and
- (b) appoint a secretary and a treasurer, who may be the same person.
- (10) The persons elected and appointed under subsection (9) shall hold office until Term of executive
- (a) the next annual general meeting; or
- (b) they are replaced under subsection 9(4); or
- (c) they are no longer members of the Board,
- whichever occurs first.
5. (1) The Board shall maintain a head office in the province. Head office

- (2) The Board shall adopt a common seal, the use of which shall be authenticated by the signature of the chairperson and secretary or other persons as the Board may authorize by resolution. Seal, signatures
- (3) The Board may make rules governing the calling and conduct of its meetings, the procedures for the transaction of its business and the management of its affairs. Rules of procedure
- (4) The Board shall, after consultation with the province's lobster fishers, create policies respecting the roles and responsibilities of the Board and its committees, including a process to be followed by the Board for responding to resolutions passed at annual or special meetings held by registered lobster fishers. Board policies
- (5) The fiscal year of the Board shall commence on January 1 of each year and end on December 31 of the same year. Fiscal year
- (6) The Board shall keep books of account, in accordance with generally accepted accounting principles, which shall be audited each fiscal year by an auditor approved by the Board. Books of account
- (7) The Board shall call an annual meeting of registered lobster fishers, which shall be held within three months of the end of the Board's fiscal year. Annual meeting
- (8) The business of the annual general meeting shall include: Business
- (a) to confirm the minutes of the last annual general meeting;
 - (b) to approve the accounts duly audited for the preceding year;
 - (c) to consider and deal with any resolutions of which due notice shall have been given;
 - (d) to confirm the members of the Board elected by each local association;
 - (e) to appoint an auditor or auditors;
 - (f) to confirm the amount of the levy for the upcoming year;
 - (g) to consider any other business or do any other such things as required in this regulation.
- (9) A copy of the audited financial statement accompanied by a report of the operations of the Board shall be presented to the registered lobster fishers at the annual meeting. Financial statement and report at annual meeting
- (10) The Board shall file with the Council a certified copy Information to be filed with the Council
- (a) of the audited financial statement of the Board accompanied by the report of operations of the Board within 120 days of the close of the Board's fiscal year; and
 - (b) of all minutes, orders, appointments, agreements, awards, reports, resolutions and rules of the Board within seven business days of the Board's making or approval of them.
- 6.** (1) The Board may appoint any committees the Board considers necessary to advise or assist the Board in its work. Committees
- (2) The term of a member of a committee shall be until the next annual general meeting and a member of a committee may be re-appointed to the same or to a different committee. Appointments
- (3) A committee appointed under subsection (1) may be composed of Board members and any other person appointed by the Board. May include non-members
- (4) The Board shall not delegate any of its powers to a committee established under these regulations. No delegation
- (5) Subject to the approval of the Council, the Board may pay remuneration to members of the Board as a *per diem* allowance in the amount determined by the Board. Remuneration
- (6) The Board may reimburse its members for travel or other expenses that the Board considers to be properly incurred by them in connection with the business of the Board. Travel and other expenses
- (7) The Board may, by resolution, award special remuneration to any member of the Board who undertakes any special services on behalf of the Board. Special remuneration

- 7.** (1) Not later than April 15 of each year and after the annual general meeting the Board shall meet and, from its members, Board elects officers
- (a) elect a chairperson and a vice-chairperson; and
 - (b) appoint a secretary and a treasurer.
- (2) The same person may be both secretary and treasurer of the Board. Secretary, treasurer
- (3) The Board may appoint the officers and employees the Board considers necessary to perform the duties specified by the Board. Appointment of officers and employees
- 8.** (1) The chairperson of the Board may vote on all motions and shall Chairperson
- (a) call meetings and designate the time and place for the meetings;
 - (b) act as chairperson at meetings at which he or she is present;
 - (c) be a signing officer of the Board; and
 - (d) in the event of a tie vote of the members, cast a second and deciding vote.
- (2) The vice-chairperson of the Board shall perform all of the duties and functions of the chairperson Vice-chairperson
- (a) in the chairperson's absence;
 - (b) where the chairperson's office is vacant; and
 - (c) in the event of the chairperson's inability or refusal to act.
- (3) Under the direction of the Board, the duties of the secretary of the Board are Duties of secretary
- (a) to attend to the meetings of the Board, take minutes of meetings, correspondence and other administrative functions of the Board;
 - (b) to maintain a register of registered lobster fishers in which the secretary shall record the names of all registered lobster fishers;
 - (c) to maintain a list of all buyers having valid lobster buying licenses issued by the province; and
 - (d) to perform the other duties assigned from time to time by the Board.
- (4) Under the direction of the Board, the duties of the treasurer are Duties of treasurer
- (a) to provide for the deposit of money, the safekeeping of securities and the disbursement of funds of the Board;
 - (b) to keep full and accurate books of account in which shall be recorded all receipts and disbursements of the funds of the Board;
 - (c) to prepare reports showing the financial position of the Board as the Board may direct; and
 - (d) to perform the other duties assigned from time to time by the Board.
- 9.** (1) The members of the Board shall Duties of members
- (a) act in the best interests of and represent lobster fishers in the province; and
 - (b) subject to clause (a), act in the best interests of the lobster industry in the province.
- (2) A member of the Board shall hold office until a replacement is elected and sworn in at an annual general meeting or appointed pursuant to subsection (4). Office held until replacement
- (3) The Board may declare vacant the office of any member who has been convicted of an indictable offence, has resigned or become ineligible or has failed to attend three consecutive meetings of the Board without reasonable cause. Office may be declared vacant
- (4) Where a vacancy is declared under subsection (3) the Board may appoint a member from the local association in accordance with the requirements of section 4, and that appointed Board member shall hold office as a member until the next annual general meeting. Filling vacancy
- 10.** (1) The powers and duties of an officer of the Board may be exercised and performed by an assistant to the officer appointed by the Board. Assistant to Board officer
- (2) The Board may add to or limit the powers and duties of an officer of the Board or the officer's assistant. Board may add to or limit powers and duties

- 11.** (1) The chairperson of the Board shall call meetings of the Board by directing the secretary to give 10 business days' notice of the meeting to the members of the Board. Meetings called by chairperson
- (2) A notice of meeting under subsection (1)
 (a) shall include the date, time and location of the meeting; and
 (b) may be given orally or by mail, fax, email, instant message text or any form approved by the Board to each of the members of the Board. Notice of meeting
- (3) All of the members of the Board may waive a notice of meeting either before or after the meeting is held. Notice may be waived
- (4) Notice by mail, email or instant message text shall be
 (a) sent to the member's latest known address or number as recorded in the books of the Board; and
 (b) deemed to be received by the member four business days after mailing or sending. Deemed receipt of mailed notice
- (5) A majority of the members of the Board constitutes a quorum of the Board. Quorum
- (6) Where the secretary is absent from a meeting the Board may appoint a secretary for the purpose of that meeting. Secretary's absence
- 12.** (1) Where the Board receives a petition or request signed by at least ten per cent of the registered lobster fishers requesting that a special meeting of registered lobster fishers be held for the discussion of matters respecting the application of these regulations or the operation of the Board, the Board shall give notice of a special meeting to registered lobster fishers within thirty days of the receipt of the petition or request. Special meeting
- (2) A notice of a special meeting given under subsection (1) shall
 (a) include a statement of the matters to be discussed; and
 (b) be mailed, emailed or published at least two weeks prior to the date of the meeting. Contents of notice
- (3) The Board shall allow only those matters contained in the notice under subsection (2) to be brought before the meeting. Meeting restricted to matters in notice
- (4) The Board shall not be bound by a decision arising from a special meeting of registered lobster fishers under this section. Board not bound by meeting
- 13.** (1) An order passed by the Board respecting
 (a) the borrowing of money on the credit of the Board;
 (b) the issuing, selling or pledging securities of the Board;
 (c) the charging, mortgaging, hypothecating or pledging all or any of the real or personal property of the Board, including book debts and unpaid calls, rights, powers, franchises and undertakings; or
 (d) the negotiating for any securities or any money borrowed, or other debt, or any other obligation or liability of the Board,
 shall state the purpose for using the money, or incurring the debt or liability. Order related to money
- (2) An order referred to in subsection (1) is not effective unless
 (a) the order is passed at a meeting of the Board called for the purpose of considering the order; and
 (b) not less than two-thirds of the total Board members are present and vote in favour of the order. Ratification of order
- 14.** (1) The Board may require the treasurer and any other officers or employees of the Board that the Board considers advisable to provide a bond
 (a) in the form and with the security approved by the Board; and
 (b) for the faithful discharge of the duties of treasurer, officer or employee of the Board. Bond
- (2) The Board shall pay the cost of any bond required under subsection (1). Board pays cost of bond
- 15.** The Board shall not invest any surplus funds of the Board other than in investment certificates of a chartered bank, trust company, credit union, or the provincial or federal treasury. Investments

- 16.** (1) The Board shall establish and maintain a current register of lobster fishers who Register
- (a) are engaged in fishing for gain and hold a lobster license issued by Department of Fisheries and Oceans (Canada); and
 - (b) are ordinarily resident in the province of Prince Edward Island.
- (2) Where a lobster fisher applies to the Board for registration, the Board shall register the lobster fisher if the lobster fisher establishes to the satisfaction of the Board that he or she meets the requirements of clauses (1)(a) and (b). Registration
- (3) The secretary of the Board shall update the register Updating register
- (a) at least 90 days prior to any vote to be held under these regulations; and
 - (b) as often as the Board considers necessary.
- (4) The Board shall make the register available for inspection by lobster fishers without charge at all times during the normal business hours of the Board. Inspection of register
- (5) The Board may remove from the register the name of any lobster fisher who does not meet the criteria set out in subsection (1). Removal from register
- (6) A lobster fisher may appeal the inclusion or removal of his or her name from the register to the Board and the lobster fisher's name shall remain on the register until the appeal is heard. Appeal of removal from register
- (7) An appeal under subsection (6) shall be heard in accordance with the Appeals Procedure Regulations (EC142/86) made under the Act. Idem
- 17.** The Board shall establish and maintain a current list of all licensed lobster buyers engaged in the purchasing of lobster from lobster fishers. List of buyers
- 18.** (1) Subject to section 4, a registered lobster fisher is eligible to be elected as a member of the Board to represent his or her local association, if the registered lobster fisher Eligibility for election
- (a) is registered at the time of his or her local association's annual general meeting; and
 - (b) is otherwise eligible to vote at the local association's annual general meeting.
- (2) A registered lobster fisher is eligible to vote for a member of the Board to represent his or her local association, if the registered lobster fisher Idem, voting
- (a) is registered at the time of his or her local association's annual general meeting; and
 - (b) is otherwise eligible to vote at the local association's annual general meeting.
- 19.** Each local association shall appoint a returning officer to conduct elections for the members of the Board pursuant to section 4 and in accordance with the bylaws, rules and procedure established by the local association. Returning officer
- 20.** (1) Each local association may appoint any persons necessary to witness the opening and counting of the ballots. Witnesses
- (2) The Council may appoint a witness to represent the Council at the opening and counting of the ballots. Idem
- (3) The failure of a person appointed under subsection (1) or (2) to witness the counting of the ballots shall not invalidate an election. Counting not invalidated
- (4) The local association returning officer shall open and count the ballots in the presence of the persons appointed under subsections (1) and (2). In presence of appointed persons
- (5) The local association returning officer shall file with the Board a complete report of the results of the counting of the ballots, bearing the signatures of those present at the counting of the ballots. Report of count
- (6) The Board shall file with the Council a complete report of the results from each local association, bearing the signatures of those present and the counting of the ballots. Idem

- (7) The local association returning officer shall declare the candidate receiving the greatest number of votes for each vacancy to be elected as a member of the Board. Majority vote
- (8) Where two or more candidates for election receive an equal number of votes, the local association bylaws shall determine how to complete the election, but where a local association has no such provisions in its bylaws, the local association returning officer shall cast a ballot for one of the candidates to complete the election. Tied vote
- 21.** Notwithstanding any defect or irregularity in the appointment, election or qualifications of any member, the actions of the Board are as valid as if the Board and every member were duly qualified and had been duly appointed or elected. Defect or irregularity
- 22.** (1) No action shall be brought against any person who acts or purports to act in good faith under the authority of the Act, these regulations or a Board order. Limitation of action
- (2) Every member or officer of the Board and his or her heirs, executors, administrators or assigns shall be indemnified and saved harmless out of the funds of the Board from and against all costs, charges and expenses whatsoever that such member or officer sustains or incurs in or about any action, suit or proceeding brought, commenced or prosecuted against him or her, for or in respect of any act, deed, matter or thing made, done or permitted by him or her, in or about the execution of the duties of his or her office. Indemnification
- 23.** Every member of the Board is obligated to disclose any interest in an individual or company doing business with the Board and no member shall participate in a discussion or vote in respect of a proposed or existing contract or grant between the Board and a company of which the member is a director, member, officer or shareholder. Conflict
- 24.** (1) A member-elect shall not be confirmed as a member of the Board until the member-elect takes the member's oath of office, as follows: Oath of Office
- I, _____, of _____, Province of Prince Edward Island, do solemnly swear that I will faithfully, truly and to the best of my judgment, skill, knowledge and ability execute and perform the duties required as a member of the Lobster Fishers of Prince Edward Island Commodity Board that properly relates to my duties as a member of the Board. I further solemnly swear that I will not communicate or allow to be communicated to any person not legally entitled thereto any and all information related to the Board, nor will I, without due authority, allow such person to inspect or have access to any books or documents belonging to or in the possession of the Board and relation to the operations of the Board.
- (2) The member's oath of office shall be signed, confirmed and retained by the secretary with the other books and records of the Board. *Idem*
- 25.** (1) Lobster fishers shall pay a levy of one cent per pound of lobster sold to buyers at the point of sale. Payment of levy
- (2) Buyers shall collect the levy at the point of sale and remit the levy to the Board within 30 days of the close of the lobster fishing season. Collection, etc. of levy
- (3) The Board shall exercise its powers set out in section 28 as necessary to ensure that the levy is calculated, paid, collected and remitted. Enforcement
- (4) No buyer shall impose a fee or charge of any kind on registered lobster fishers for the purpose of defraying the administrative cost of calculating, collecting and remitting the levy to the Board. Prohibition
- 26.** (1) Where two-thirds of the members of the Board vote in favour of holding a levy meeting of registered lobster fishers to consider changes to the amount of the levy, the Board shall give notice of the meeting to all registered lobster fishers in accordance with this section. Levy meeting

- (2) The notice to be given by the Board under subsection (1) in respect of a levy meeting Notice
- (a) shall be provided to each local association not less than 90 days prior to the date of the levy meeting;
 - (b) shall set out the proposed changes to the levy amount;
 - (c) shall state that no other business shall be considered at the levy meeting; and
 - (d) shall be published in all daily and weekly newspapers in the province not less than 30 days prior to the date of the levy meeting.
- (3) The Board shall allow only the proposed changes to the levy amount contained in the notice given under subsection (1) to be brought before the levy meeting. Meeting restricted to matters in notice
- (4) All registered lobster fishers shall be entitled to attend and vote at the levy meeting, either in person or by way of a mail-in ballot, as determined by the Board. Voting
- (5) The levy amount shall be changed only where two-thirds of the registered lobster fishers voting at the levy meeting vote in favour of the change. Board is bound by vote
- 27.** No lobster fisher shall sell lobster to a buyer and no buyer shall purchase lobster from a lobster fisher in any manner contrary to the Act, these regulations or Board orders. Prohibition
- 28.** (1) The Lieutenant Governor in Council hereby vests in the Board the powers necessary to enable the Board to make orders in respect of the following: Power to make orders
- (a) to require lobster fishers to pay to every buyer an amount fixed by way of levy or charge, and to collect the levy or charge from every buyer through a check-off system requiring buyers to remit to the Board the amount of the levy or charge collected, and to recover the levy or charge in a court of competent jurisdiction;
 - (b) to determine the charges that may be made for its services by any designated agency;
 - (c) to exempt from any determination or order any person or class of persons engaged in the peddling, harvesting or fishing of, or any aspect of marketing of, lobster;
 - (d) to require any or all lobster fishers, as defined in these regulations, to register with the Board, and to register any and all lobster fishers with the Board;
 - (e) to establish levy fees from any or all persons engaged in the harvest or fishing of lobster;
 - (f) to collect from buyers the levy fees yearly, half yearly, or quarterly, that have been received by the buyer at the point of sale of the regulated product;
 - (g) to recover levies by suit in any court of competent jurisdiction;
 - (h) to recommend the suspension or revocation at any time of any lobster buyer's license granted under section 7 of the *Fisheries Act* Regulations (EC873/95);
 - (i) to impose penalties on any persons as provided by regulation for violation of any determination or order under the Act or the regulations;
 - (j) to require full information relating to the purchase of lobster by a buyer from a lobster fisher;
 - (k) to require periodic returns to be made by buyers;
 - (l) to inspect the books of buyers as needed for operation of the Board to administer and collect the levy;
 - (m) to conduct, or to authorize any marketing agency or sub-agency to conduct, an intraprovincial or interprovincial pool or pools for the marketing of lobster;
 - (n) to acquire, possess, purchase and sell the regulated product;
 - (o) to purchase, take on lease or in exchange, or otherwise acquire assets or real property for the purposes of its business and to sell or otherwise dispose of assets or mortgage real property acquired by the Board;
 - (p) to borrow, raise or secure the payment of money in any manner as the Board thinks fit for the purpose of carrying out the objects of marketing lobster;

(q) to draw, make, accept, endorse, execute, issue, hypothecate, or assign promissory notes, bills of exchange and other negotiable or transferable instruments;

(r) to take, or otherwise acquire and hold, shares, debentures or other securities of any company having objects altogether or in part similar to those of the Board, or carrying on any business capable of being conducted so as, directly or indirectly, to benefit lobster fishers, and to sell or otherwise deal with the same;

(s) to use in carrying out the marketing of lobster and paying the expenses of the Board any money received by the Board;

(t) to delegate its powers to any agent or employee authorized by the Board for the marketing of lobster, provided that this clause shall not permit the delegation by the Board of the powers contained in clauses (d) and (u);

(u) to terminate the Board and distribute any held levy proceeds equally to all registered lobster fishers after paying out any outstanding debts, dues, accounts or expenses of any kind, accrued or owing by the Board at the date of termination;

(v) to make recommendations to the Government for any necessary and approved amendments to the regulations;

(w) to require a lobster fisher to remit the amount of the levy directly to the Board if the lobster fisher is peddling or selling lobster directly to a member of the public;

(x) to change the amount of the levy in accordance with the process set out in section 26.

(2) The Board shall not exercise the powers contained in clause (1)(u) unless the Council has conducted a plebiscite of registered lobster fishers in which the majority of registered lobster fishers who voted indicate their support for the Board exercising these powers.

Producer plebiscite
required

29. These regulations come into force on July 4, 2015.

Commencement

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations.

SECTION 2 establishes the Board for the purposes of administering the levy and the marketing of lobster, and to represent and protect the interests of lobster fishers provincially and nationally. The section also provides that lobster fishers who are members of the Prince Edward Island Fishermen's Association Inc. and hold lobster licenses issued by the Department of Fisheries and Oceans (Canada) are deemed to be registered lobster fishers under these regulations for a period of six months after the regulations come into force.

SECTION 3 provides that the initial members of the Board shall be the current members of the board of directors of the Prince Edward Island Fishermen's Association Inc., with the chairperson of the Association serving as the president of the Board, and provides for the first meeting of the Board.

SECTION 4 establishes the ongoing rules for the membership and operation of the Board, including the rules for the election of members and officers and their terms.

SECTION 5 establishes rules for the operations of the Board in carrying out its functions under the regulations.

SECTION 6 authorizes the Board to appoint committees to assist or advise it as necessary, and establishes rules for any committees it appoints.

SECTION 7 establishes a requirement for the Board to elect and appoint its officers after its annual general meeting but not later than April 15 in each year.

SECTION 8 establishes the rights and duties of the chairperson, vice-chairperson, secretary and treasurer of the Board.

SECTION 9 establishes the duties of the members of the Board and provides for the procedure to be followed in the event of a vacancy on the Board.

SECTION 10 provides for the appointment of an assistant for an officer of the Board and establishes the powers and duties of the assistant.

SECTION 11 authorizes the chairperson of the Board to call meetings of the Board and specifies the procedure to be followed in giving notice of a meeting to members.

SECTION 12 specifies the procedure to be followed with respect to a special meeting requested by registered lobster fishers, and provides that the Board is not bound by the decision arising from the special meeting.

SECTION 13 provides that an order of the Board respecting the borrowing of money or other specified financial activities of the Board must state the purpose for using the money or incurring the debt or liability, and is not effective unless passed at a meeting called for that purpose by the Board at which not less than two-thirds of the Board members are present and vote in favour of the order.

SECTION 14 authorizes the Board to require that the treasurer and other officers or employees provide a bond as security for the performance of their duties, and provides that the Board shall pay the cost of the bond if it is required.

SECTION 15 requires the Board to invest its surplus funds only in investment certificates of a chartered bank, trust company, credit union or the provincial or federal treasury.

SECTION 16 requires the Board to establish and maintain a register of lobster fishers who are qualified in accordance with the section, and requires the secretary of the Board to update the register at least 90 days prior to any vote, and otherwise as the Board considers necessary. The register shall be available for inspection by lobster fishers without charge, and a lobster fisher may appeal the inclusion or removal of his or her name from the register in accordance with the Appeals Procedure Regulations under the Act.

SECTION 17 requires the Board to establish and maintain a list of all licensed lobster buyers who are engaged in purchasing lobster from lobster fishers.

SECTION 18 establishes the eligibility criteria for both standing for and voting for membership on the Board.

SECTION 19 requires each local association to appoint a returning officer to conduct elections for the membership of the Board.

SECTION 20 establishes the procedure to be followed by each local association in opening and counting the ballots, and requires the Board to file a complete report of the results from each local association with the Council. The section also provides that candidates are elected by majority vote, and in the event of a tie, the bylaws of the local association shall determine how to complete the election. If the local association has not enacted a bylaw on that point, the returning officer is empowered to cast a deciding vote to complete the election.

SECTION 21 provides that the actions of the Board are valid despite any defect or irregularity in the election, appointment or qualifications of any of its members.

SECTION 22 provides that no action shall be brought against any person acting in good faith under the Act, the regulations or a Board order, and indemnifies the members and officers of the Board for their actions in carrying out their duties.

SECTION 23 provides that Board members must disclose any interest in individuals or companies doing business with the Board, and provides that a member with an interest shall not participate in the discussion or vote on a matter between the Board and a company of which the member is a director, member, officer or shareholder.

SECTION 24 requires a member-elect to take the specified oath of office prior to being confirmed as a member of the Board.

SECTION 25 requires lobster fishers to pay a levy of one cent per pound of lobster sold to buyers, and authorizes the Board to ensure that the levy is collected.

SECTION 26 authorizes the holding of a levy meeting to consider changes to the amount of the levy where two-thirds of the Board members vote in favour of it, and specifies the procedure to be followed in the holding of the levy meeting.

SECTION 27 prohibits the buying and selling of lobster in a manner contrary to the Act, the regulations or a Board order.

SECTION 28 provides that the Lieutenant Governor in Council vests the specified powers in the Board to enable it to make the orders necessary to give effect to its purposes and the regulations.

SECTION 29 provides for the commencement of these regulations.

EC2015-414

APPRENTICESHIP AND TRADES QUALIFICATION ACT PROVINCIAL APPRENTICESHIP BOARD APPOINTMENTS

Pursuant to section 4 of the *Apprenticeship and Trades Qualification Act* R.S.P.E.I. 1988, Cap. A-15.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
as an employer representative, via clause 4(2)(a)	
Robert Thistle Charlottetown (vice Tara Burke, term expired)	23 June 2015 to 6 September 2015
as employee representatives, via clause 4(2)(b)	
Scott Cann Montague (vice Claude Hebert, term expired)	23 June 2015 to 23 June 2018
Kirk Champion Kensington (vice Leo MacDonald, term expired)	23 June 2015 to 23 June 2018

Chad Drummond	23 June 2015
North Granville	to
(vice Robert Thistle, resigned as employee representative)	23 June 2018

as representative of Holland College, via clause 4(2)(c)

David Beaton	8 January 2015
Charlottetown	to
(reappointed)	8 January 2018

as member at large, via clause 4(2)(d)

Duffy Chaisson	23 June 2015
St. Louis	to
(vice William Bishop, term expired)	23 June 2018

as chairperson, via clause 4(2)(e)

Franklin J. MacIntyre	23 June 2015
Charlottetown	to
(vice Paul Gallant, term expired)	23 June 2018