

**EC2019-512**

LEGISLATIVE ASSEMBLY  
MEMBER OF THE LEGISLATIVE ASSEMBLY  
OATH OF ALLEGIANCE  
AUTHORIZATION TO ADMINISTER  
ORDERED

Council ordered that a proclamation do issue directing the Clerk of the Legislative Assembly or the Clerk Assistant of the Legislative Assembly to administer the Oath of Allegiance to the Member of the Legislative Assembly duly elected to represent Electoral District No. 9 (Charlottetown-Hillsborough Park) in the 66th General Assembly, in the Legislative Chamber at 10:30 a.m. on the 1st of August 2019.

**EC2019-513**

ATLANTIC PROVINCES HARNESS RACING COMMISSION ACT  
ATLANTIC PROVINCES HARNESS RACING COMMISSION  
NOMINATION

Pursuant to section 4 of the *Atlantic Provinces Harness Racing Commission Act* R.S.P.E.I. 1988, Cap. A-22.1, Council nominated the following member for appointment:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
William Roloson Belfast (vice Blair Hansen, term expired)	31 July 2019 to 31 July 2022

**EC2019-514**

AUTISM COORDINATION ACT  
PRINCE EDWARD ISLAND AUTISM COORDINATING COMMITTEE  
APPOINTMENTS

Pursuant to section 2 of the *Autism Coordination Act* R.S.P.E.I. 2018, Cap. A-24.1, Council made the following appointments:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
Deputy Minister of Education and Lifelong Learning	at pleasure
Deputy Minister of Health and Wellness	at pleasure
Deputy Minister of Justice and Public Safety	at pleasure

Deputy Minister of Social Development and Housing at pleasure

Assistant Deputy Minister of Social Development and Housing at pleasure

**EC2019-515**

CREDIT UNIONS ACT  
CREDIT UNION DEPOSIT INSURANCE CORPORATION  
BOARD OF DIRECTORS  
APPOINTMENT

Pursuant to clause 162(1) of the *Credit Unions Act* R.S.P.E.I. 1988, Cap. C-29.1, Council made the following appointment:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
Louis Shea	31 July 2019
Tignish	to
(vice Ellen Locke Doiron, term expired)	31 July 2022

**EC2019-516**

CRIMINAL CODE OF CANADA  
PRINCE EDWARD ISLAND REVIEW BOARD  
APPOINTMENTS

Pursuant to section 672.38 of the *Criminal Code of Canada*, R.S.C. 1985, Chap. C-46, Council made the following appointments:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
as chairperson	
Cyndria L. Wedge, Q.C.	31 July 2019
Stratford	to
(vice Patsy G. MacLean, resigned)	31 July 2022
as member	
Dr. Elizabeth Schneider	31 July 2019
Charlottetown	to
	31 July 2022

**EC2019-517**

ELECTRIC POWER ACT  
CITY OF SUMMERSIDE ELECTRIC UTILITY  
ANNUAL ASSESSMENT  
DETERMINED

Pursuant to clause 46(2)(a) of the *Electric Power Act* R.S.P.E.I. 1988, Cap. E-4, Council determined the assessment to be paid by the City of Summerside Electric Utility to the Island Regulatory and Appeals Commission for the 2019-2020 fiscal year to be twenty thousand dollars (\$20,000.00).

**EC2019-518**

**ENERGY CORPORATION ACT  
PRINCE EDWARD ISLAND ENERGY CORPORATION  
BOARD OF DIRECTORS  
APPOINTMENTS**

Pursuant to sections 2 and 3 of the *Energy Corporation Act* R.S.P.E.I. 1988, Cap. E-7, Council made the following appointments:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
Deputy Minister of Economic Growth, Tourism and Culture	31 July 2019 to 31 July 2022
Deputy Minister of Environment, Water and Climate Change	31 July 2019 to 31 July 2022
Deputy Minister of Finance	31 July 2019 to 31 July 2022
Deputy Minister of Transportation, Infrastructure and Energy	31 July 2019 to 31 July 2022
Clerk of the Executive Council	31 July 2019 to 31 July 2022

Further, Council designated the Deputy Minister of Transportation, Infrastructure and Energy as Chairperson of the Board pursuant to subsection 3(3) of the Act.

Order-in-Council EC2015-356 of June 9, 2015 is hereby rescinded.

**EC2019-519**

**ENVIRONMENTAL PROTECTION ACT  
WASTE RESOURCE MANAGEMENT REGULATIONS  
AMENDMENT**

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

**1. Section 18 of the *Environmental Protection Act* Waste Resource Management Regulations (EC691/00) is amended**

**(a) by renumbering it as subsection 18(1); and**

**(b) by the addition of the following after subsection (1):**

(2) Despite clause (1)(b), a municipality may, with respect to a landfill that existed immediately prior to the coming into force of this subsection but that was not constructed in accordance with sections 4 to 14 of these regulations, apply to the Minister in the form approved by the Minister for permission to construct a low hydraulic conductivity layer consisting

Application for  
limited exception

of a soil component with a hydraulic conductivity of  $1 \times 10^{-5}$  centimetres per second or less in a layer at least 750 millimetres thick.

(3) The Minister may, if satisfied that the landfill is appropriate for covering with a low hydraulic conductivity layer constructed as specified in subsection (2), authorize the applicant to proceed in accordance with that subsection. Ministerial authorization

**2. These regulations come into force on August 10, 2019.**

### EXPLANATORY NOTES

**SECTION 1** amends the regulations by renumbering section 18 as subsection 18(1) and adding two new subsections, 18(2) and (3). Subsection 18(2) authorizes a municipality to apply to the Minister for permission to cover a landfill that was not constructed in accordance with sections 4 to 14 by constructing a low hydraulic conductivity layer of soil as specified. This is a limited exception to the requirement in clause 18(1)(b) that a landfill must be covered with a low hydraulic conductivity layer that consists of a flexible membrane liner. Subsection 18(3) provides that the Minister may authorize the applicant to proceed using the method set out in subsection (2) if satisfied that the method is appropriate for covering the landfill.

**SECTION 2** provides for the commencement of these regulations.

### EC2019-520

EXECUTIVE COUNCIL ACT  
 MINISTER OF ENVIRONMENT, WATER AND CLIMATE CHANGE  
 AUTHORITY TO ENTER INTO AN AGREEMENT  
 (IMPLEMENTATION OF THE  
 NORTH AMERICAN WATERFOWL MANAGEMENT PLAN AND THE  
 NORTH AMERICAN BIRD CONSERVATION INITIATIVE THROUGH THE  
 EASTERN HABITAT JOINT VENTURE)  
 WITH  
 THE GOVERNMENTS OF CANADA  
 ONTARIO  
 QUEBEC  
 NEW BRUNSWICK  
 NOVA SCOTIA  
 NEWFOUNDLAND AND LABRADOR  
 AND  
 DUCKS UNLIMITED CANADA  
 AND  
 NATURE CONSERVANCY OF CANADA  
 AND  
 BIRD STUDIES CANADA  
 AND  
 WILDLIFE HABITAT CANADA

Pursuant to clauses 10(a), (b) and (d) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Environment, Water and Climate Change to enter into an agreement with the Governments of Canada, Ontario, Quebec, New Brunswick, Nova Scotia, Newfoundland and Labrador, as represented by the Ministers responsible for wildlife, and Ducks Unlimited Canada, Nature Conservancy of Canada, Bird Studies Canada and Wildlife Habitat Canada to coordinate programs that meet various bird and bird habitat conservation objectives, effective upon signing for a period of fifteen years, such as more particularly described in the draft agreement.

**EC2019-521**

EXECUTIVE COUNCIL ACT  
 MINISTER OF TRANSPORTATION, INFRASTRUCTURE AND ENERGY  
 AUTHORITY TO ENTER INTO AN AGREEMENT  
 (CONTRIBUTION AGREEMENT  
 RE: NATIONAL DISASTER MITIGATION PROGRAM)  
 WITH  
 PUBLIC SAFETY CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Transportation, Infrastructure and Energy to enter into a contribution agreement with Public Safety Canada, as represented by the Minister of Public Safety and Emergency Preparedness, to fund the North Rustico Evacuation Route project under the National Disaster Mitigation Program for the period from April 1, 2019 to March 31, 2020, such as more particularly described in the draft agreement.

**EC2019-522**

FATHERS OF CONFEDERATION BUILDINGS ACT  
 FATHERS OF CONFEDERATION BUILDINGS TRUST  
 APPOINTMENT

Pursuant to section 3 of the *Fathers of Confederation Buildings Act* R.S.P.E.I. 1988, Cap. F-6 Council made the following appointment:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
via subsection (1)	
Angus Orford	31 July 2019
Charlottetown	to
(vice Dr. Gregory Mitton, term expired)	31 July 2022

**EC2019-523**

HOLLAND COLLEGE ACT  
 BOARD OF GOVERNORS  
 APPOINTMENT

Pursuant to subsection 6(1) of the *Holland College Act* R.S.P.E.I. 1988, Cap. H-6 Council made the following appointment:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
via clause (d)	
Dylan Mullally	31 July 2019
Stratford	to
(vice Kevin Whitrow, retired)	31 July 2022

**EC2019-524**

ISLAND INVESTMENT DEVELOPMENT ACT  
FINANCIAL ASSISTANCE REGULATIONS  
101512 P.E.I. INC.  
AUTHORIZATION

Pursuant to subsection 2(3) of the *Island Investment Development Act* Financial Assistance Regulations (EC2005-686), Council authorized Island Investment Development Inc. to renew a five-year term loan in the amount of nine hundred and ninety-three thousand, five hundred and twenty-one (\$993,521.00) dollars at a rate of Prime plus one decimal two five (Prime + 1.25%) percent to 101512 P.E.I. Inc., on terms and conditions satisfactory to the Board of Directors of Island Investment Development Inc.

Further, Council authorized recession of Order-in-Council EC2013-468 dated June 25, 2013.

**EC2019-525**

ISLAND INVESTMENT DEVELOPMENT ACT  
FINANCIAL ASSISTANCE REGULATIONS  
MACDOUGALL STEEL ERECTORS INC.  
AUTHORIZATION

Pursuant to subsection 2(3) of the *Island Investment Development Act* Financial Assistance Regulations (EC2005-686), Council authorized Island Investment Development Inc. to renew a five-year term loan in the amount of one million, one hundred and six thousand, three hundred and seventy-seven (\$1,106,377.00) dollars at a rate of four (4%) percent to MacDougall Steel Erectors Inc., on terms and conditions satisfactory to the Board of Directors of Island Investment Development Inc.

Further, Council authorized recession of Order-in-Council EC2014-54 dated January 28, 2014.

**EC2019-526**

ISLAND INVESTMENT DEVELOPMENT ACT  
FINANCIAL ASSISTANCE REGULATIONS  
MSE PROPERTIES INC.  
AUTHORIZATION

Pursuant to subsection 2(3) of the *Island Investment Development Act* Financial Assistance Regulations (EC2005-686), Council authorized Island Investment Development Inc. to renew a five-year term loan in the amount of one million, six hundred and eighty-seven thousand, five hundred and forty-three (\$1,687,543.00) dollars at a rate of four (4%) percent to MSE Properties Inc., on terms and conditions satisfactory to the Board of Directors of Island Investment Development Inc.

Further, Council authorized recession of Order-in-Council EC2014-618 dated October 28, 2014.

**EC2019-527**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PROPERTY NO. 1037621, LOT 48, QUEENS COUNTY  
IDENTIFICATION FOR NON-DEVELOPMENT USE  
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately sixty-eight (68) acres of land, being Provincial Property No. 1037621 located at Bethel, Lot 48, Queens County, Prince Edward Island and currently owned by 8295794 Canada Inc. of Charlottetown, Prince Edward Island.

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

This Order-in-Council comes into force on July 31, 2019.

**EC2019-528**

LIQUOR CONTROL ACT  
APPROVAL TO LEASE PROPERTY  
RE: PEILCC SPECIALTY STORE

Pursuant to clause 7(g) of the *Liquor Control Act* R.S.P.E.I. 1988, Cap. L-14 Council granted approval to the Prince Edward Island Liquor Control Commission to enter into a ten year lease agreement with the Charlottetown Harbour Authority Inc., on approximately 3,490 square feet of space at 6 Prince Street, Charlottetown at a cost of \$25.00 per square foot for an annual lease cost of \$87,250.00.

**EC2019-529**

PROVINCIAL COURT ACT  
JUSTICE OF THE PEACE  
APPOINTMENT

Under authority of section 14 of the *Provincial Court Act* R.S.P.E.I. 1988, Cap. P-25 Council appointed Krista J. MacKay, Q.C. of Summerside as a Justice of the Peace in and for the Province of Prince Edward Island for a term of five (5) years, effective July 31, 2019.

Further, Council ordered that should the said Krista J. MacKay, Q.C. cease to be employed in her present capacity in the Department of Justice and Public Safety, her appointment as a Justice of the Peace shall terminate coincident with the date her employment terminates.

**EC2019-530**

REGULATED HEALTH PROFESSIONS ACT  
COUNCIL OF THE COLLEGE OF DIETITIANS  
OF PRINCE EDWARD ISLAND  
APPOINTMENT

Pursuant to subsection 7(4)(b) of the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1, Council made the following appointment to the Council of the College of Dietitians of Prince Edward Island:

NAME	TERM OF APPOINTMENT
Robert S. Clow Fairview	31 July 2019 to 31 July 2022

**EC2019-531**

REGULATED HEALTH PROFESSIONS ACT  
COUNCIL OF THE COLLEGE OF OCCUPATIONAL THERAPISTS  
OF PRINCE EDWARD ISLAND  
APPOINTMENT

Pursuant to subsection 7(4)(b) of the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1, Council made the following appointment to the Council of the College of Occupational Therapists of Prince Edward Island:

NAME	TERM OF APPOINTMENT
John Nicholas Sims Cornwall	31 July 2019 to 31 July 2022

**EC2019-532**

WILDLIFE CONSERVATION ACT  
ANGLING REGULATIONS

Pursuant to section 28 of the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1, Council made the following regulations:

- 1. In these regulations** Definitions
- (a) “Act” means the *Wildlife Conservation Act* R.S.P.E.I. 1998, Cap. W-4.1; Act
- (b) “chumming” means the use of any material to attract fish to a location; chumming
- (c) “litter”, as a verb, means to discard trash, garbage, rubbish or any other objects, and, as a noun, means the trash, garbage or other objects discarded; litter
- (d) “perch” means the species of perch known as white perch having the scientific name *Morone americana*; perch
- (e) “salmon” means the species of Atlantic salmon having the scientific name *Salmo salar*; salmon
- (f) “trout” means the species of trout known as trout
- (i) Arctic char, having the scientific name *Salvelinus alpinus*,



- (ii) brook trout, having the scientific name *Salvelinus fontinalis*,  
 (iii) brown trout, having the scientific name *Salmo trutta*, and  
 (iv) rainbow trout, having the scientific name *Oncorhynchus mykiss*.
- 2.** The Minister may issue angling licenses for perch, salmon or trout, and collect the fees for the licenses, as set out in the Schedule. Licenses
- 3.** No person shall, when angling for trout or perch through ice, Ice fishing  
 (a) leave any shelter materials unattended;  
 (b) use shacks for the purpose of angling; or  
 (c) leave holes cut in the ice unless marked with a spruce bough or some other appropriate natural vegetation.
- 4.** No person shall Prohibited activities  
 (a) damage or obstruct  
     (i) any fishway,  
     (ii) any device used to monitor fish passage, or  
     (iii) any device used by fish to pass over or around any obstruction;  
 (b) do anything to stop or hinder fish  
     (i) from entering or passing any fishway, or  
     (ii) from surmounting any obstacle or leap;  
 (c) angle for or attempt to catch fish in any manner in any fishway;  
 (d) catch or attempt to catch trout or salmon by means of chumming;  
 (e) while angling, be in possession of or retain trout unless it is immediately killed or released into the water;  
 (f) sell, possess or use fish eggs as bait for angling; or  
 (g) litter while angling.
- 5.** (1) No person shall operate a private fishing preserve unless the person is the holder of a valid fishing preserve license issued under these regulations. Requirement for license
- (2) A person may apply to the Minister in the form approved by the Minister for a license to operate a private fishing preserve on privately owned or leased land. Application
- (3) An applicant for a fishing preserve license shall Information to be provided  
 (a) indicate the species and the source of the fish to be used in the operation of the private fishing preserve;  
 (b) describe the security measures the applicant proposes to use to prevent the introduction into the province of undesirable fish species and fish diseases;  
 (c) provide a map or diagram showing the location and extent of the lands and waters the applicant proposes to use for the operation of the private fishing preserve, with a statement of the total acreage and the title and interest of the applicant; and  
 (d) state the fees and charges the applicant proposes to levy for angling in the private fishing preserve.
- (3) A fishing preserve license expires on March 31st of the year following the date of issue unless an earlier date of expiry of the license is specified in the terms or conditions of the fishing preserve license. Expiry
- (4) The fee for a fishing preserve license is that specified in the Schedule to these regulations. Fee
- (5) Wild fish that are native to the waters of a private fishing preserve or that have not been introduced into it by the holder of the fishing preserve license may be taken by persons angling in the private fishing preserve, subject to all other applicable fishing regulations pertaining to licenses, open seasons and bag and possession limits. Angling in fishing preserve
- 6.** A conservation officer or natural resource inspector may enter on any private property for the purpose of enforcing the Act and these regulations. Entry for enforcement
- 7.** The Minister may attach any terms and conditions to a license the Minister considers appropriate. Terms and conditions

- 8.** A person who contravenes these regulations or any term or condition attached to a license is guilty of an offence and liable on summary conviction to the penalty specified under the Act. Offence
- 9.** The Schedule to these regulations is adopted and forms part of these regulations. Schedule adopted
- 10.** (1) The *Wildlife Conservation Act* Angling Regulations (EC180/02) are revoked. Revocation
- (2) The *Fish and Game Protection Act* Private Fishing Preserves Regulations (EC535/86) are revoked. *Idem*
- 11.** These regulations come into force on September 1, 2019. Commencement

## SCHEDULE

### LICENSE REQUIREMENTS

LICENSE	FEE (HST Not Included)
<b>1. ANGLING FOR TROUT AND PERCH</b>	
(a) Resident or non-resident (19 to 59 years of age)	\$10.00
(b) Family (5 days), Available May 1	5.00
(c) Courtesy resident (16 to 18 years of age and 60 years of age or older)	Free
<b>2. SALMON FLY FISHING</b>	
(a) Resident	\$10.00
(b) Non-resident	10.00
<b>3. FISHING PRESERVE LICENSE</b>	\$25.00
<b>4.</b> For the purpose of clause 1(b), “family” includes the license holder’s spouse and dependants.	family, defined
<b>5.</b> A person applying for a salmon fly-fishing license shall also hold an angling license or be exempt under the Act.	Salmon license - requirements

### EXPLANATORY NOTES

**SECTION 1** establishes definitions for the purposes of the regulations.

**SECTION 2** authorizes the Minister to issue angling licenses for perch, salmon or trout and collect fees for the licenses as set out in the Schedule to the regulations.

**SECTION 3** establishes rules to be observed by persons angling through ice.

**SECTION 4** prohibits persons from engaging in the specified activities.

**SECTION 5** prohibits a person from operating a private fishing preserve without a license, and provides the application process for a person to obtain a license from the Minister.

**SECTION 6** authorizes a conservation officer or natural resource inspector to enter on any private property for the purpose of enforcing the Act and the regulations.

**SECTION 7** authorizes the Minister to attach terms and conditions to a license where the Minister considers it appropriate.

**SECTION 8** provides that a person who contravenes the regulations or any term or condition attached to a license is guilty of an offence and liable on summary conviction to the penalty provided under the Act.

**SECTION 9** adopts the Schedule to the regulations and provides that it forms part of the regulations.

**SECTION 10** revokes the *Wildlife Conservation Act* Angling Regulations (EC180/02) and also the *Fish and Game Protection Act* Private Fishing Preserves Regulations (EC535/86).

**SECTION 11** provides for the commencement of the regulations.

### EC2019-533

#### WILDLIFE CONSERVATION ACT GENERAL REGULATIONS

Pursuant to subsection 25(2) and section 28 of the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1, Council made the following regulations:

**1.** (1) In these regulations, Definitions

(a) “Act” means the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap.W-4.1; Act

(b) “wild animal” means wildlife, wild mammals, birds, reptiles, amphibians and fish and includes the carcass or any part of the carcass of a wild animal, including the skin of any wild animal, domestically raised fur-bearing animal, wild fowl or wild bird. wild animal

(2) In addition to the definition of wildlife stated in clause 1(1)(jj) of the Act, “wildlife” means the wild organisms listed by the Atlantic Canadian Conservation Data Centre for Prince Edward Island and also includes exotic wildlife. wildlife

#### Taking or Hunting Out of Season

**2.** (1) No person shall take or hunt a wild animal at a time other than a prescribed open season for that wild animal. Prohibition

(2) Subsection (1) does not apply to a person who takes or hunts a wild animal at a time other than a prescribed open season for that wild animal if the person is authorized to do so by a permit issued to that person under the Act. Exceptions

#### Vehicles

**3.** (1) No person shall use any air, land or water vehicle to chase, pursue, worry, molest, take, hunt or kill any wildlife. Prohibition

(2) Subsection (1) does not apply to the chase, pursuit, taking, hunting or killing of any wildlife in respect of which the Minister has issued a permit authorizing the activity under section 10 of the Act. Exception - permit under Act

#### Application for Permit

**4.** (1) An applicant for a permit under section 10 of the Act shall Application for permit

- (a) provide the applicant’s full name and home address;
- (b) provide the civic address or property identification number of the location where the permitted activity will take place;
- (c) specify the wild animal that is the subject of the permit;
- (d) state the purpose for which the applicant intends to take or hunt the specified wild animal; and
- (e) state the proposed method of taking or hunting the specified wild animal.

(2) An applicant for a permit referred to in subsection (3) shall also provide with the application Additional information

- (a) if the applicant proposes to hunt the wild animal, the applicant’s hunter safety certificate number; or
- (b) if the applicant proposes to trap the wild animal, the applicant’s trapper registration number.

(3) A license or permit is not required to take or hunt any of the following at any time: License or permit not required

- (a) Norway rat;
- (b) house mouse;

- (c) meadow vole;
- (d) red-backed vole;
- (e) European starling;
- (f) rock pigeon.

(4) There is no application fee for a permit under section 10 of the Act. No fee

#### Harmful Substances

5. (1) No person shall deposit a substance that is harmful to wildlife, or permit such a substance to be deposited, in an area frequented by wildlife or in a place from which the substance may enter an area frequented by wildlife. Prohibition – depositing substance

(2) No person shall deposit a substance or permit a substance to be deposited in an area frequented by wildlife or in a place from which it may enter an area frequented by wildlife if the substance, in combination with one or more substances, results in a substance that is harmful to wildlife. Substance in combination

(3) Subsections (1) and (2) do not apply if Exception

- (a) the deposit of the substance is authorized under the *Pesticides Control Act* R.S.P.E.I. 1988, Cap. P-4; or
- (b) the substance is of a type and quantity, and the deposit is made under conditions, authorized under an Act other than the *Pesticides Control Act* or authorized by the Minister for scientific purposes.

#### Export and Import Permits

6. (1) No person shall export from the province by any means Application for permit

- (a) a wild animal or any part of a wild animal; or
- (b) a package containing any wild animal,

except under the authority of a valid and subsisting wildlife export permit issued by the Minister that is attached to or contained with the item or items being shipped or sent.

(2) A person may apply to the Minister in the form approved by the Minister for an export permit in accordance with this section. Application export permit

(3) An applicant for an export permit shall provide the following information: Requirements for application

- (a) the person's name, address and contact information;
- (b) whether the wildlife that is the subject of the export permit was legally harvested, salvaged or obtained from a domestic fur farm;
- (c) the reason for exporting the wildlife;
- (d) the destination of the exported wildlife.

(4) The Minister may, if the Minister is satisfied that the application meets the requirements of this section, issue to an applicant Issuance of permit

- (a) a general wildlife export permit that authorizes the applicant to export any wild animal; or
- (b) a ranched fur export permit that authorizes an applicant to export domestically raised fur-bearing animals only.

(5) If the Minister refuses to issue a permit to an applicant, the Minister shall provide written reasons for the refusal to the applicant. Refusal

(6) Notwithstanding subsection (1), a copy of a hunting license attached to a wild animal or package containing a wild animal is deemed to be a wildlife export permit that authorizes the hunter to export from the province a wild animal or any part of a wild animal lawfully taken by the license holder in the province. Exception

(7) The Minister may attach any conditions to a wildlife export permit that the Minister considers appropriate. Conditions

(8) A wildlife export permit issued under this section is authority to remove wildlife from the province subject to the provisions of the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* (Canada) S.C. 1992, c. 52. Subject to federal Act

(9) There is no application fee for a wildlife export permit. No fee

7. (1) No person shall import wildlife except under the authority of a valid and subsisting wildlife import permit. Prohibition
- (2) A person may apply to the Minister, in the form approved by the Minister, for a wildlife import permit that authorizes the person to import wildlife. Wildlife import permit
- (3) An applicant for a wildlife import permit shall provide the following information: Required information
- (a) the person's name, address and contact information;
  - (b) whether the wildlife that is the subject of the import permit was legally harvested or captured, salvaged or obtained from another source;
  - (c) the destination of the imported wildlife.
- (4) A person who applies for a wildlife import permit to import exotic wildlife shall indicate in the application, in addition to the information required under subsection (2), Additional information
- (a) the purpose for which the wildlife is to be imported;
  - (b) the species, number and sex of the wildlife to be imported; and
  - (c) the period for which the permit will be required.
- (5) If the Minister refuses to issue a permit to an applicant, the Minister shall provide written reasons for the refusal to the applicant. Refusal
- (6) The Minister may attach any conditions to a wildlife import permit that the Minister considers appropriate. Conditions
- (7) A person is exempt from the requirements of this section if the wildlife being imported was lawfully hunted by the person under the laws of another jurisdiction. Exemption
- (8) There is no application fee for a wildlife import permit. No fee

#### Wildlife Control Operators

8. (1) The Minister may issue a wildlife control operator's permit to an applicant if the Minister is satisfied that the applicant has Wildlife control operator's permit
- (a) submitted an application on the form approved by the Minister that includes the information specified in subsection (2);
  - (b) provided proof that the person is 18 years of age or older;
  - (c) provided proof that the person possesses a valid and subsisting trapping license issued under the Act; and
  - (d) not been convicted of a contravention of the Act or the regulations under the Act, or an Act that is substantially similar to the Act anywhere in Canada, or had the person's trapping license revoked under the provisions of the Act, within the three-year period immediately prior to the date on which the application is submitted.
- (2) An applicant for a wildlife control operator's permit shall provide proof satisfactory to the Minister that the applicant Required information
- (a) is knowledgeable in humane wildlife dispatch methods, wildlife handling, trapping standards and firearm safety;
  - (b) proposes to use humane dispatch methods that are acceptable to the Minister; and
  - (c) possesses all the required licenses, permits and certifications to employ the humane dispatch methods referred to in clause (b).
- (3) Where the Minister refuses to issue a wildlife control operator's permit to an applicant, the Minister shall provide written reasons for the refusal to the applicant. Written reasons refusal
- (4) No person, unless otherwise authorized by the Minister, shall engage in the business of providing wildlife control services on the property of another person without first obtaining a wildlife control operator's permit. Prohibition
- (5) There is no application fee for a wildlife control operator's permit. No fee
9. A wildlife control operator's permit expires on March 31 of the year following the date of issue unless otherwise authorized by the Minister. Expiration date

- 10.** (1) A wildlife control operator's permit authorizes the permit holder to control, including by taking or hunting, only the following species or groups of species: Scope of permit
- (a) striped skunk;
  - (b) raccoon;
  - (c) red squirrel;
  - (d) crows.
- (2) Notwithstanding subsection (1), the Minister may authorize the holder of a wildlife control operator's permit to control other species not listed in that subsection at specified times and under the conditions the Minister considers appropriate or necessary. Exception
- (3) The Minister may suspend the control of certain species or prohibit certain wildlife control activities when the Minister considers it necessary for the protection of human health or the health of wildlife or domestic animals. Suspension
- (4) The Minister shall notify any affected wildlife control operator of a suspension under subsection (3). Notice
- 11.** A wildlife control operator shall Requirements
- (a) immediately report a captured animal showing symptoms of disease to a conservation officer or natural resource inspector;
  - (b) not release a diseased wild animal after capture without the expressed permission of a conservation officer or natural resource inspector;
  - (c) not keep, tame, use for propagation purposes, sell, offer for sale, trade, or barter live wild animals taken under the provisions of a wildlife control operator's permit;
  - (d) not capture, handle, or harass any provincially or federally listed endangered species; and
  - (e) not hold a wild animal in captivity for purposes of release or disposal for more than 24 hours.
- 12.** (1) A wildlife control operator shall file an annual report with the Minister at the end of each calendar year listing Annual report
- (a) the species of wildlife controlled;
  - (b) the number of individual animals controlled;
  - (c) the disposition of wild animals; and
  - (d) any other information the Minister may require.
- (2) A wildlife control operator shall establish and maintain records on a monthly basis respecting the matters listed in clauses (1)(a) to (c) and shall make the records available for inspection by a conservation officer or natural resource inspector at any reasonable time. Records
- (3) A wildlife control operator's permit does not exempt the holder from the obligation to comply with the provisions of any other applicable provincial or federal legislation or an applicable municipal bylaw. Other legislation
- 13.** (1) The species listed in the Schedule to these regulations are designated for the purposes of clause 19(1)(a) of the Act. Designated species
- (2) The Schedule to these regulations is hereby adopted and forms part of these regulations. Schedule adopted
- 14.** *Wildlife Conservation Act* Regulations (EC676/98) and the *Fish and Game Protection Act* General Regulations (EC818/66) are revoked. Revocation
- 15.** These regulations come into force on September 1, 2019. Commencement

### SCHEDULE Designated Species

The following are designated species for the purposes of clause 19(1)(a) of the Act:

#### Common Name

1. Blue-spotted Salamander
2. Spotted Salamander
3. Eastern Red-backed Salamander
4. Red-spotted Newt (Eastern newt)
5. American Toad

6. Eastern American Toad
7. Spring Peeper
8. Green Frog
9. Pickerel Frog
10. Northern Leopard Frog
11. Wood Frog
12. Double-crested Cormorant
13. Great Cormorant
14. Turkey Vulture
15. Black Vulture
16. Cooper's Hawk
17. Northern Goshawk
18. Sharp-shinned Hawk
19. Golden Eagle
20. Red-tailed Hawk
21. Rough-legged Hawk
22. Red-shouldered Hawk
23. Broad-winged Hawk
24. Swainson's Hawk
25. Northern Harrier
26. Bald Eagle
27. Osprey
28. Merlin
29. Peregrine Falcon - anatum/tundrius
30. Gyrfalcon
31. American Kestrel
32. Wild turkey
33. Ruffed Grouse
34. Spruce Grouse
35. Gray Partridge
36. Ring-necked Pheasant
37. Sharp-Tailed Grouse
38. Rock Pigeon
39. Barn Owl (Eastern pop.)
40. Northern Saw-whet Owl
41. Boreal Owl
42. Short-eared Owl
43. Long-eared Owl
44. Snowy Owl
45. Great Horned Owl
46. Eastern Screech-Owl
47. Great Gray Owl
48. Barred Owl
49. Northern Hawk Owl
50. Belted Kingfisher
51. American Crow
52. Common Raven
53. Blue Jay
54. Gray Jay
55. European Starling
56. Red-winged Blackbird
57. Rusty Blackbird
58. Brewer's Blackbird
59. Common Grackle
60. Yellow-headed Blackbird
61. Rainbow Trout
62. Atlantic Salmon
63. Brown Trout
64. Arctic Char
65. Brook Trout
66. Northern Short-tailed Shrew
67. Cinereus Shrew
68. Smoky Shrew
69. American Pygmy Shrew
70. American Water Shrew
71. Big Brown Bat
72. Eastern Red Bat
73. Hoary Bat
74. Little Brown Myotis

75. Northern Long-eared Myotis
76. Silver-haired Bat
77. Snowshoe Hare
78. Northern Flying Squirrel
79. Eastern Chipmunk
80. Red Squirrel
81. American Beaver
82. Meadow Vole
83. House Mouse
84. Southern Red-backed Vole
85. Common Muskrat
86. North American Deermouse
87. Norway Rat
88. Woodland Jumping Mouse
89. Meadow Jumping Mouse
90. Eastern Coyote
91. Gray Wolf
92. Red Fox
93. American Black Bear
94. Northern Raccoon
95. North American River Otter
96. American Marten
97. Striped Skunk
98. Short-tailed Weasel
99. American Mink
100. Fisher
101. Canadian Lynx
102. Bobcat
103. Moose
104. White-tailed Deer
105. Caribou
106. Woodland Caribou (Atlantic-Gaspésie pop.)
107. Smooth Greensnake
108. Northern Redbelly Snake
109. Maritime Garter Snake

#### EXPLANATORY NOTES

**SECTION 1** establishes definitions for the purposes of the regulations.

**SECTION 2** prohibits the taking or hunting of a wild animal out of season, subject to the exceptions set out in subsection 12(2) of the Act.

**SECTION 3** prohibits the use of air, land or water vehicles to chase, pursue, worry, molest, take, hunt or kill any wildlife. A permit may be issued under section 10 of the Act to authorize a person to use a vehicle to chase, pursue, take, hunt or kill wildlife.

**SECTION 4** establishes the application requirements for a permit under section 10 of the Act. The section also provides a list of species for which a license or permit is not required.

**SECTION 5** prohibits the depositing of a substance that is harmful to wildlife, or a substance that in combination with others may become harmful to wildlife, in an area frequented by wildlife or in a place from where it may enter an area frequented by wildlife. Certain exceptions are permitted in accordance with the *Pesticides Control Act* or as authorized by the Minister.

**SECTION 6** prohibits the export from the province of wild animals or parts of them except under the authority of a wildlife export permit, and establishes the application requirements and process to obtain an export permit. The Minister may attach any conditions the Minister considers appropriate to an export permit. A copy of a hunting license is deemed to be an export permit that authorizes the hunter to export a wild animal lawfully taken by the license holder in the province. The export of wildlife is also subject to the provisions of the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* (Canada).



**SECTION 7** prohibits the importation of wildlife into the province except under the authority of a wildlife import permit, and establishes the application requirements and process to obtain an import permit. An exception is provided for the importation of wildlife that has been lawfully hunted by the person under the laws of another jurisdiction.

**SECTION 8** authorizes the Minister to issue a wildlife control operator's permit to an applicant who meets the specified criteria, and prohibits any person from engaging in the business of providing wildlife control services on the property of another person without a permit, unless the person is authorized by the Minister. Where the Minister refuses to issue a permit to an applicant, the Minister is required to provide written reasons for the refusal.

**SECTION 9** provides that a wildlife control operator's permit expires on March 31 of the year following the date of issue.

**SECTION 10** specifies the species that a permit holder is authorized to control. The Minister may authorize a permit holder to control other species at specified times and under specified conditions. The Minister may also suspend the control of certain species or prohibit certain wildlife control activities when the Minister considers it necessary for the protection of human health or the health of wildlife or domestic animals.

**SECTION 11** requires a wildlife control operator to report the capture diseased animals and not to release diseased animals after capture without permission, not to use live wild animals for certain purposes, not to capture, handle or harass endangered species and not to hold a wild animal in captivity for more than 24 hours.

**SECTION 12** requires an wildlife control operator to file an annual report with the Minister containing the specified information about the operator's activities during that year. The section also requires a wildlife control operator to establish and maintain monthly records of those activities and to make the records available for inspection by a conservation officer or natural resource inspector at any reasonable time.

**SECTION 13** provides that the list of species designated for the purposes of subsection 19(1) of the Act is set out in the Schedule to the regulations.

**SECTION 14** revokes the *Wildlife Conservation Act* Regulations (EC676/98) and the *Fish and Game Protection Act* General Regulations (EC818/66).

**SECTION 15** provides for the commencement of the regulations.

#### EC2019-534

### WILDLIFE CONSERVATION ACT HUNTING REGULATIONS

Pursuant to section 28 of the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1, Council made the following regulations:

**1.** In these regulations,

- |  |                            |
|--|----------------------------|
|  | Definitions                |
| (a) "Act" means the <i>Wildlife Conservation Act</i> R.S.P.E.I. 1988, Cap.W-4.1;   | Act                        |
| (b) "firearm" includes any device capable of launching a projectile which may injure or kill wildlife and includes but is not limited to shotguns, rifles, bows, pellet guns and BB guns;  | firearm                    |
| (c) "firearm safety certificate" means a firearm safety certificate issued under section 13 to a person who has successfully completed a course in firearm safety and hunter safety, or a certificate that is substantially equivalent to a firearm safety certificate that is issued by the appropriate authority in another province or country; | firearm safety certificate |

- (d) “game” means a species of wildlife designated as game in Schedule 1 to these regulations; game
- (e) “game habitat” means a wildlife habitat where game may be found, and includes roads and highways; game habitat
- (f) “harvestable wildlife” means a species of wildlife listed in Schedule 2 to these regulations; harvestable wildlife
- (g) “hunter safety training course” means a training course in firearm safety and hunter safety provided by the Minister under subsection 7(1); hunter safety training course
- (h) “lead shot” means shotgun pellets consisting of, by weight, more than one per cent lead; lead shot
- (i) “non-toxic shot” means non-toxic shot as defined in the *Migratory Birds Convention Act S.C. 1994, c.22*. non-toxic shot

### Hunting Methods

2. (1) No person shall Prohibition re game
- (a) hunt game or discharge a firearm in a locality frequented by game or harvestable wildlife during the period from one-half hour after sunset in any day to one-half hour before the next sunrise; or
- (b) use or employ a rifle or firearm loaded with a bullet or bullets when hunting for game other than red squirrel, snowshoe hare, raccoon, fox or coyote.
- (2) Despite clause (1)(a), a person may Exceptions
- (a) hunt raccoon at night with a firearm if the person holds a permit issued by the Minister specifically authorizing the person to do so;
- (b) discharge a .22 calibre rimfire cartridge from a firearm at night to humanely dispose of a furbearer that was legally harvested under the Fur Harvesting Regulations made under the Act.
- (3) No person shall hunt red squirrel, snowshoe hare, raccoon, fox or coyote by the use of Prohibition
- (a) a shotgun loaded with a single bullet; or
- (b) a rifle larger than .22 calibre.
- (4) Notwithstanding subsection (3), a person may use a muzzle-loading firearm loaded with balls or sabots greater than .22 calibre when hunting coyote. Exception
- (5) No person shall use rifle cartridges other than rimfire cartridges when hunting for red squirrel, snowshoe hare or raccoon. Cartridge type
- (6) No person shall use rifle cartridges larger than .22 calibre rimfire cartridges or .17 calibre centre fire cartridges when hunting for fox. Cartridge size
- (7) No person shall hunt waterfowl, including all ducks and geese, from within the boundaries of the right-of-way of any highway. Prohibition
- (8) No person shall Prohibitions re firearms
- (a) hunt with a shotgun of any description capable of holding more than three shells unless the capacity of the gun has been reduced to three shells in the magazine and chamber combined, by means of the cutting off or the altering or plugging of the magazine with a one-piece metal, plastic or wood filler that cannot be removed unless the gun is disassembled; or
- (b) while hunting game or harvestable wildlife, have more than one shotgun in the field, set, blind, or floating blind, unless each shotgun in excess of one is unloaded and disassembled or unloaded and cased.
- (9) No person shall litter while hunting. Littering

### Wildlife Management Areas

3. It is an offence for any person to hunt migratory waterfowl from a location within 100 metres of the centre line of any highway right-of-way constituting a boundary of any of the following wildlife management areas: Offence

- (a) Indian River Wildlife Management Area;
- (b) Rollo Bay Wildlife Management Area;
- (c) New Glasgow Wildlife Management Area;
- (d) Pisquid River Wildlife Management Area.

#### Ammunition

- 4.** (1) No person while hunting shall use or be in possession of
- (a) lead shot for species other than pheasant, ruffed grouse, hungarian partridge, woodcock, snowshoe hare, raccoon, coyote, fox or squirrel; or
  - (b) non-toxic shot of a size greater than "T".
- Ammunition requirements
- (2) No person shall, while hunting game, use or be in possession of any shot of a size larger than
- (a) "BB" in the case of lead shot; or
  - (b) size "T" in the case of non-toxic shot.
- Ammunition size

#### Rights and Obligations

- 5.** (1) A person has the right not to be intentionally or knowingly interfered with when hunting game in accordance with the law.
- Interfering with hunt
- (2) The reference to the law in subsection (1) includes the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1, the *Trespass to Property Act* R.S.P.E.I. 1988, Cap. T-6, the *Fisheries Act* R.S.C. 1985, Cap. F-14 (Canada), the *Migratory Birds Convention Act* S.C. 1994, Cap. 22 (Canada), and the regulations made under those Acts.
- Applicable law
- 6.** (1) No person shall intentionally or knowingly interfere with another person lawfully engaged in hunting.
- Prohibition
- (2) No person shall intentionally or knowingly harass, drive, or disturb any game for the purpose of disrupting a person lawfully engaged in hunting.
- Idem
- (3) No person shall enter or remain on public land, or enter or remain on private land without the landowner's or his agent's consent, if the person intends to disrupt another person lawfully engaged in hunting.
- Entry to land
- (4) This section does not apply to a conservation officer or a natural resource inspector who has a responsibility under the Act to manage wildlife or land during the time that the conservation officer or natural resource inspector is in the actual discharge of official duties.
- Exception

#### Training Courses

- 7.** (1) The Minister shall provide, or may designate a person, club or organization to provide on behalf of the Minister, a hunter safety training course for the purpose of training persons in the proper methods of hunter safety and the handling of firearms.
- Hunter safety training course
- (2) The hunter safety training course program and content shall include training in respect of
- (a) hunter ethics and responsibilities;
  - (b) hunting laws and regulations;
  - (c) the safe use of firearms;
  - (d) outdoor safety; and
  - (e) any other content the Minister considers appropriate to ensure safe and lawful hunting and outdoor experiences.
- Course content
- (3) Except with the permission of the Minister, no person under the age of 11 years shall be permitted to take the course.
- Age limit
- (4) Applications for the course shall be made on the form approved by the Minister.
- Application
- 8.** (1) No person shall act as a hunter safety course instructor unless authorized by the Minister to do so.
- Instructor
- (2) A person may apply to the Minister in the form approved by the Minister for authorization as a hunter safety course instructor.
- Application

- (3) The Minister shall, in evaluating an application submitted under subsection (2), consider Criteria
- (a) the years of experience the applicant has in outdoor activities and, in particular, in hunting and the safe use of firearms; and
  - (b) the applicant's level of knowledge of the various components of the hunter safety course.
- 9.** The Minister may determine the fee to be paid Fee
- (a) by the Minister to any person, club or organization conducting the hunter safety training course on behalf of the Minister;
  - (b) by any person registering in a hunter safety training course conducted by a person, club or organization referred to in clause (a).
- 10.** The Minister may refuse any person who applies to take the hunter safety course or may cancel or refuse to issue a firearm safety certificate for any reason the Minister deems necessary for the protection of the public. Refusal
- 11.** The Minister may direct that any applicant for a hunting license, whether or not the applicant has previously been issued a firearm safety certificate or has previously taken the hunter safety training course, be required to complete the course before being issued a hunting license. Condition re license
- 12.** (1) No person shall be in possession of a firearm in a game habitat, or hunt harvestable wildlife with a firearm, unless the person has in his or her possession a valid firearm safety certificate issued to the person in accordance with these regulations. Prohibition
- (2) No person shall fail or refuse to produce a firearm safety certificate for inspection on the demand of a conservation officer or natural resource inspector. Idem
- (3) Subsection (1) does not apply to Exception
- (a) a member of a police service, conservation officer or natural resource inspector while acting in the execution of that person's duties; or
  - (b) a person on the way to, from or while attending an archery range, archery field course or firearm range for the purpose of taking part in functions held on the range or course.
- 13.** (1) The Minister may issue a firearm safety certificate to a person if Issuance of certificate
- (a) the person has successfully completed a hunter safety training course conducted in accordance with these regulations; or
  - (b) the person produces proof of having successfully completed a hunter safety training course in another province or country that is recognized by the Minister as equivalent to the hunter safety training course.
- (2) The Minister shall maintain a register of the holders of firearm safety certificates issued under subsection (1). Register
- (3) The Minister shall issue a replacement firearm safety certificate on payment of the fee determined by the Minister. Replacement certificate
- Private Shooting Preserve**
- 14.** (1) No person shall operate a private shooting preserve for pheasants unless the person is the holder of a valid license issued under this section. Shooting preserve
- (2) The Minister may, upon application, issue a license authorizing the holder to operate a private shooting preserve for pheasants on privately owned or leased land. Issuance of license
- (3) An applicant for a license under subsection (2) shall, on the application, Application
- (a) indicate the place of origin of the game birds in the private shooting preserve;
  - (b) describe the security measures to be used to prevent the escape of undesirable game birds and the possible spread of game bird diseases;
  - (c) include a map or diagram that clearly shows the location and extent of the lands which the applicant proposes to use for the private shooting preserve, and a statement of the total acreage; and

- (d) indicate the fees and charges to be imposed for hunting in the private shooting preserve.
- (4) The holder of a license issued under this section shall License requirements
- (a) maintain a daily register showing the name and address of each person authorized on that day to hunt in the private shooting preserve, and the species and number of game birds taken that day by each person;
- (b) issue to each person referred to in clause (a) a certificate stating the species and number of game birds taken that day by the person;
- (c) make available to a conservation officer or natural resource inspector, on request, all records and information relating to the operation of the private shooting preserve; and
- (d) post and maintain signs in the form approved by the Minister, notifying the public that the private shooting preserve is not open for hunting by the public, at the approach to each normal point of access to the private shooting preserve.
- (5) Game other than pheasants on a private shooting preserve may be taken by persons hunting in the private shooting preserve, subject to these regulations and the *Migratory Birds Convention Act* (Canada). Other game
- (6) In addition to the requirements of subsection (4), the Minister may attach any terms and conditions to a license issued under subsection (2) that the Minister considers appropriate. Terms and conditions
- (7) The Minister may cancel or revoke a license issued under subsection (2) where the Minister believes it is in the public interest to do so. Cancellation
- (8) The fee for a private shooting preserve license is \$25. Fee
- (9) A private shooting preserve license expires on March 31 next following the date of issue. Expiry of license

#### Offence and Penalty

- 15.** Any person who contravenes a provision of these regulations or a term or condition attached to a license issued under section 14 is guilty of an offence and liable to the penalty specified in the Act. Offence and penalty

#### Revocation

- 16.** The following regulations under the *Fish and Game Protection Act* are revoked: Revocation
- (a) Firearm Safety Training Regulations (EC718/83);
- (b) Private Shooting Preserves Regulations (EC534/86).

#### Commencement

- 17.** These regulations come into force on September 1, 2019. Commencement

### Schedule 1

#### Game

**The following species are designated as game:**

**(a) Furbearer Game**

- (i) eastern coyote *Canis latrans*
- (ii) red fox *Vulpes vulpes*
- (iii) raccoon *Procyon lotor*
- (iv) red squirrel *Tamiasciurus hudsonicus*

**(b) Upland Game**

- (i) snowshoe hare *Lepus americanus*
- (ii) gray partridge *Perdix perdix*

- (iii) ruffed grouse *Bonasa umbellus*  
 (iv) ring-necked pheasant *Phasianus colchicus*

**(c) Migratory Game Birds**

All birds indigenous to the province and protected under the *Migratory Birds Convention Act* S.C. 1994, c.22.

**Schedule 2**

**Harvestable Wildlife**

- (i) American crow *Corvus brachyrhynchos*

**EXPLANATORY NOTES**

**SECTION 1** establishes definitions for the purposes of the regulations.

**SECTION 2** specifies prohibited and permitted hunting methods and activities.

**SECTION 3** provides that it is an offence to hunt migratory waterfowl from a location within 100 meters of the centre line of a highway right-of-way that is a boundary of any of the specified Wildlife Management Areas.

**SECTION 4** specifies prohibited and permitted types and sizes of ammunition.

**SECTION 5** provides that a person who is hunting game in accordance with the law has the right not to be intentionally or knowingly interfered with.

**SECTION 6** prohibits intentionally or knowingly interfering with a person who is lawfully hunting or disturbing game in order to disrupt hunting, and also prohibits entering public land, or private land without consent, in order to disrupt hunting. The prohibition does not apply to a conservation officer or other employee of the department engaged in official duties.

**SECTION 7** requires the Minister to provide or designate a person, club or organization to provide a hunter safety training course, and specifies the content of the course. No person under the age of 11 years is permitted to take the course.

**SECTION 8** authorizes persons to apply to the Minister to become a hunter safety course instructor, and specifies the criteria to be considered by the Minister.

**SECTION 9** authorizes the Minister to determine the fees in respect of a hunter safety course.

**SECTION 10** authorizes the Minister to refuse an applicant for the hunter safety course and to cancel or refuse to issue a firearm safety certificate to a person where the Minister considers it necessary for the protection of the public.

**SECTION 11** authorizes the Minister to require an applicant for a hunting license to complete a hunter safety training course before being issued the license, regardless of whether the applicant has previously been issued a firearm safety certificate or has previously taken the course.

**SECTION 12** prohibits a person, subject to the specified exemptions, from being in possession of a firearm in a game habitat, or hunting harvestable wildlife with a firearm, unless the person has in his or her possession a valid firearm safety certificate issued to the person. The person is required to produce the firearm safety certificate on demand of a conservation officer or natural resource inspector.

**SECTION 13** authorizes the Minister to issue a firearm safety certificate to a person who meets the specified requirements, and also requires the Minister to maintain a register of persons to whom a firearm safety certificate has been issued.

**SECTION 14** provides that no person shall operate a private shooting preserve for pheasants except under the authority of a license issued under the section, and specifies the criteria relating to the application for the license and the requirements that apply to the holder of the license.

**SECTION 15** provides that it is an offence to contravene a provision of the regulations or a term or condition of a license issued under section 15. The penalty for a contravention is specified in the Act.

**SECTION 16** revokes the specified regulations made under the repealed *Fish and Game Protection Act*.

**SECTION 17** provides for the commencement of the regulations.

**SCHEDULE 1** specifies the listed species as game.

**SCHEDULE 2** specifies the listed species as harvestable wildlife.

#### EC2019-535

### WILDLIFE CONSERVATION ACT KEEPING WILDLIFE IN CAPTIVITY REGULATIONS

Pursuant to sections 19 and 28 of the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1, Council made the following regulations:

1. In these regulations,
 

	Definitions
(a) "Act" means the <i>Wildlife Conservation Act</i> R.S.P.E.I. 1988, Cap.W-4.1;	Act
(b) "license" means a valid and subsisting license issued pursuant to these regulations;	license
(c) "wild animal" means wildlife that is a bird, mammal, reptile or amphibian, and includes but is not limited to wild animals of the species listed in the Schedule to these regulations.	wild animal
2. These regulations apply to
 

<ol style="list-style-type: none"> <li>(a) the keeping of wild animals in captivity; and</li> <li>(b) the sale of wild animals.</li> </ol>	Application of regulations
--	----------------------------
3. (1) Unless a person holds a license issued under these regulations for that activity, no person shall
 

<ol style="list-style-type: none"> <li>(a) keep a wild animal in captivity; or</li> <li>(b) sell a wild animal.</li> </ol>	Prohibition
--	-------------

(2) Notwithstanding subsection (1), a person may keep a wild animal in captivity without a license, if the wild animal

<ol style="list-style-type: none"> <li>(a) was lawfully purchased from a Class 4 licensed wildlife pet dealer;</li> <li>(b) is to be used in the operation of a fur farm for the production of captive-bred ranched fox, or captive-bred ranched mink; or</li> <li>(c) is a migratory bird for which the person holds a permit issued under the <i>Migratory Birds Convention Act</i> (Canada) S.C. 1994, c. 22.</li> </ol>	Exception
---	-----------
4. A person may apply for a license, in the form approved by the Minister, in any of the following classes:
 

	Classes of license
--	--------------------

- (a) Class 1 - authorizing the holder to keep wild animals in captivity for educational or scientific purposes;
- (b) Class 2 - authorizing the holder to keep wild animals in captivity where a fee or charge is levied for admission of the public;
- (c) Class 3 - authorizing the holder to keep in captivity a hawk, falcon or other raptorial bird for the purpose of hunting or training to hunt;
- (d) Class 4 - authorizing the holder to keep and sell wildlife in captivity in connection with the operation of a wildlife pet dealership, excluding the sale of wild animals listed in the Schedule to these regulations;
- (e) Class 5 - authorizing the holder to keep in captivity as a pet a wild animal that was lawfully imported.
- 5. (1)** An applicant for any class of license shall Information to be provided
- (a) provide the applicant's full name and home address;
- (b) provide the civic address or property identification number of the location where the wild animal will be kept;
- (c) specify the class of license being applied for;
- (d) specify the wild animal that will be kept;
- (e) state the purpose for which the applicant intends to keep the wild animal;
- (f) specify the number of wild animals to be kept; and
- (g) provide any other information respecting the license being applied for that may be required by the Minister in order to assess the application.
- (2)** An applicant for a license shall provide proof satisfactory to the Minister that the person Criteria and qualifications
- (a) is knowledgeable in the natural sciences, particularly those related to wildlife;
- (b) possesses the necessary premises, enclosures and other resources to properly care for the wild animal, including plans of the premises and details of the construction and security measures that demonstrate they are adequate to prevent the escape of the wild animal;
- (c) will ensure that appropriate measures are developed and will be implemented to maintain the health of the wild animal and to provide for veterinary services to the wild animal; and
- (d) shall ensure that all necessary precautions are taken to ensure the safety of the public.
- (3)** An applicant for a license in any of Classes 1 to 4 shall acquire and maintain sufficient liability insurance to indemnify against a claim for loss of life, bodily injury or property damage caused to any person as a result of the keeping of the wild animal, and shall provide proof of insurance that is satisfactory to the Minister with the application for the license. Insurance required
- 6.** A license expires three years from the date of issue. Expiry
- 7. (1)** The holder of a license shall not release from captivity any wild animal kept under authority of the license without first obtaining the permission of the Minister. Release prohibited without permission
- (2)** Where any wild animal kept in captivity under authority of a license is inadvertently or accidentally released or escapes to the wild, the holder of the license shall immediately advise the Minister and give full details of the release or escape. Escape of wild animal
- (3)** Where a wild animal referred to in subsection (2) is released or escapes, the holder of the license Responsibility of license holder
- (a) is deemed to have been in possession of the wild animal at the time of the release or escape;
- (b) is responsible for the recapture of the wild animal; and
- (c) if the resources of the Government are used for the purpose of recapture, shall pay all the costs incurred by the Government in recapturing the wild animal.
- (4)** Subsection (1) shall not be construed to preclude the ordinary practice of the art of falconry. Exception



- 8.** (1) The holder of a Class 3 license shall ensure that the raptorial birds in the holder's possession are banded and shall record the band numbers on the holder's license. Banding required
- (2) No person, other than the license holder or a person authorized by him or her, or a conservation officer or natural resource inspector, shall remove a band from a raptorial bird. Removal of band
- (3) No person shall tamper with the band of a raptorial bird. Prohibition
- 9.** No person shall bring into the province any wild animal except under the authority of a permit issued by the Minister under section 6 of the *Wildlife Conservation Act* General Regulations. Prohibition - import of wild animal
- 10.** A conservation officer or natural resource inspector may at all reasonable times, with a warrant in the case of a private dwelling and without a warrant in other cases, enter and search the premises of any license holder and inspect the holder's records for the purpose of determining the number, species, sex and condition of wildlife on the premises and generally for the purposes of enforcement of the Act and these regulations. Premises - entry and inspection
- 11.** (1) The Minister may at any time impose any terms or conditions on a license that the Minister considers necessary. Terms and conditions
- (2) Where the Minister has reasonable cause to believe that a wild animal kept in captivity under authority of a license is being kept in unsanitary conditions or without adequate food and water or otherwise in contravention of any condition of the license or any provision of the *Animal Welfare Act* R.S.P.E.I. 1988, Cap. A-11.2, whether or not any person has been charged with an offence under that Act in respect of the wild animal, the Minister may suspend the license and issue directions respecting the care, maintenance and disposition of the wild animal. Suspension of license
- (3) Where the Minister assumes the care and maintenance of a wild animal under subsection (2), the Minister may order that the costs incurred shall be paid by the holder of the license. Responsibility for costs
- (4) A person whose license is suspended under subsection (2) shall comply with directions issued by the Minister. Requirement to comply
- (5) The Minister may, by notice in writing, cancel the license of a person who fails to comply with directions issued by the Minister under subsection (2) or a term or condition imposed on the person's license, where the Minister believes it is in the public interest to do so. Cancellation of license
- 12.** A person who contravenes these regulations or any term or condition attached to a license is guilty of an offence and liable on summary conviction to the penalty specified under the Act. Offence
- 13.** The Schedule to these regulations is adopted and forms part of these regulations. Schedule adopted
- 14.** These regulations come into force on September 1, 2019. Commencement

## SCHEDULE

### Prohibited Wildlife Species

Wild animals of the following species shall not be sold or kept in captivity as pets:

1. All Artiodactyls ungulates, except domestic goats, sheep, pigs and cattle.
2. All Canidae, except the domestic dog.
3. All Crocodylia (such as alligators and crocodiles).
4. All Edentates (such as anteaters, sloths and armadillos).
5. All Elephantidae (elephants).
6. All Erinaceidae, except the African pigmy hedgehog.
7. All Felidae, except the domestic cat.
8. All Hyaenidae (hyenas).
9. All Marsupials, except sugar gliders.

10. All Mustelidae (such as skunks, otters and weasels), except the domestic ferret.
11. All Primates (such as gorillas and monkeys).
12. All Pinnipeds (such as seals, fur seals and walruses).
13. All Perissodactyls ungulates, except the domestic horse and ass.
14. All Procyonidae (such as raccoons, coatis and cacomistles).
15. All Pteropodidae (bats).
16. All Raptors, diurnal and nocturnal (such as eagles, hawks and owls).
17. All Sciuridae, including prairie dogs and woodchucks.
18. All Ratites (such as ostriches, rheas and cassowaries).
19. All Ursidae (bears).
20. All venomous wild animals, including snakes, toads, insects, spiders and fish.
21. All Viverridae (such as mongooses, civets and genets).
22. All Testudines (turtles and tortoises).
23. All threatened or endangered species protected by the Convention on International Trade in Endangered Species (CITES).
24. All wildlife that has not been captive bred, unless otherwise exempted.
25. All species of Serpentes (snakes) that can grow to an average size or size range greater than 3 meters.

#### **EXPLANATORY NOTES**

**SECTION 1** defines terms for the purposes of the regulations.

**SECTION 2** clarifies that the regulations apply both to the keeping of wild animals in captivity and to the sale of wild animals.

**SECTION 3** provides that it is prohibited to keep a wild animal in captivity or sell a wild animal except under the authority of a license, with the specified exceptions set out in subsection (2).

**SECTION 4** establishes the five classes of license that may be applied for under the regulations.

**SECTION 5** specifies the information to be provided by, and the qualifying criteria that apply to, an applicant for a license.

**SECTION 6** provides that a license expires three years from its date of issue.

**SECTION 7** prohibits a license holder from releasing the wild animal from captivity without first obtaining the Minister's permission. In the case of an accidental release, the license holder is required to advise the Minister immediately. The license holder is responsible for the recapture of the wild animal, and is required to pay any costs incurred by the Government in recapturing it.

**SECTION 8** requires the holder of a Class 3 license to ensure that the raptorial birds in the holder's possession are banded and the band numbers are recorded, and prohibits unauthorized persons from removing the bands. No person is permitted to tamper with the bands.

**SECTION 9** prohibits any person from bringing a wild animal into the province except under the authority of an import permit issued under the *Wildlife Conservation Act* General Regulations..

**SECTION 10** authorizes a conservation officer or natural resource inspector to enter and inspect the premises and records of a license holder at all reasonable times to enforce the Act and the regulations. If the premises are a private dwelling, a warrant is required.

**SECTION 11** authorizes the Minister to impose terms and conditions on a license, and to suspend a license where the Minister has reasonable cause to believe that the animal is not being adequately cared for or that a condition of the license or the *Animal Welfare Act* has been contravened. If the Minister suspends the license, the Minister may issue directions respecting the care, maintenance and disposition of the wild animal. Any

costs incurred are the responsibility of the license holder. The Minister is also authorized to cancel a license in the specified circumstances, on notice to the holder, where the Minister believes it is in the public interest to do so.

**SECTION 12** provides that it is an offence for a person to contravene a provision of the regulations or a term or condition of a license.

**SECTION 13** formally adopts the Schedule to the regulations. The Schedule lists the species of wild animals that shall not be kept in captivity as pets or sold.

**SECTION 14** provides for the commencement of the regulations.

### **EC2019-536**

EXECUTIVE COUNCIL ACT  
MINISTER OF ECONOMIC GROWTH, TOURISM AND CULTURE  
AUTHORITY TO ENTER INTO AN AGREEMENT  
(AMENDED CANADIAN FREE TRADE AGREEMENT)  
WITH THE  
GOVERNMENTS OF CANADA, THE OTHER PROVINCES  
AND THE 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 Economic Development and Tourism to enter into an amended agreement with the Governments of Canada, the other Provinces and the Territories, as represented by their respective Ministers Responsible for Trade, to revise Ontario's Annex I and Annex II exceptions on energy of the Canadian Free Trade Agreement, such as more particularly described in the draft agreement.