



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 3

An Act to amend the Act respecting the conservation and development of wildlife

Introduction

**Introduced by
Mr Gaston Blackburn
Minister of Recreation, Fish and Game**

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EXPLANATORY NOTES

The object of this bill is to amend the Act respecting the conservation and development of wildlife, particularly with respect to the Minister's power of acquisition and power to make agreements.

The bill amends the definition of the term "resident" and clarifies the rules concerning the disposal of perishable property that has been seized. It also provides that the possession of a loaded weapon at night in a place frequented by wildlife constitutes an offence and specifies that to discharge a weapon from a vehicle or to have a loaded weapon in a vehicle is prohibited.

In addition, the bill authorizes the Minister to limit the number of licences and extends the indemnization scheme to cover damages caused to a third person by a hunter or a trapper.

Finally, the number of members of the board of directors of the Fondation de la faune du Québec is increased, certain regulatory powers are clarified and concordance provisions are made.

Bill 3

An Act to amend the Act respecting the conservation and development of wildlife

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by replacing the definition of the word “resident” by the following definition:

“ “resident” means any person domiciled in Québec and having resided there for at least 183 days during the year preceding his fishing, hunting or trapping activities or his application for a licence or a certificate;”.

2. Section 11 of the said Act is amended by striking out the word “immovable” after the word “or” in the second line of paragraph 1.

3. The said Act is amended by inserting, after section 18, the following section:

“18.1 Where the property seized is perishable or likely to depreciate rapidly, the conservation officer may dispose of it in the manner prescribed by regulation.

If he has disposed of such a property and, subsequently, it appears that there is no cause for confiscation, the conservation officer shall, on request, pay to the owner or person the indemnity determined in accordance with the regulations as replacement of the property.”

4. Section 24 of the said Act is amended by inserting the figure “30.3,” after the figure “30.2,” in the third line.

5. The said Act is amended by inserting, after section 30.2, the following section:

“30.3 No person may, without a reasonable excuse, be in possession of a loaded firearm or an armed crossbow at night in a place frequented by wildlife, unless he carries on an authorized hunting activity or is authorised by law to be in possession of a firearm by reason of his office or duties.”

6. Section 36 of the said Act is amended by replacing the words “or trap on private land” in the first line of the first paragraph by the words “, trap or fish on, or fish from, private land”.

7. Section 37 of the said Act is amended by replacing the words “or group of land owners” in the second and third lines by the words “, a group of land owners or their representatives or with a body commissioned by land owners for that purpose”.

8. The said Act is amended by inserting, after section 54, the following section:

“54.1 The Minister may, for purposes of conservation, issue fewer licences than the maximum number fixed by regulation or he may issue no licences.”

9. Section 57 of the said Act is amended

(1) by replacing that part preceding subparagraph 1 of the first paragraph by the following:

“57. No person may, while in or on an aircraft, a vehicle, including a vehicle that operates exclusively on rails, or a trailer hauled by a vehicle,”;

(2) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) discharge a firearm, bow or crossbow from the aircraft, vehicle or trailer; or”.

10. Section 81 of the said Act is amended

(1) by replacing the word “licensee” in the first line of the first paragraph by the words “hunter or trapper”;

(2) by replacing the words “holder of a hunting or trapping licence” in the third line of the second paragraph by the words “hunter or trapper”.

11. Section 82 of the said Act is amended by replacing the words “A holder of a hunting or trapping licence” in the first line by the words “A hunter or trapper”.

12. Section 110 of the said Act is amended by striking out the word “maximum” in the first line of the second paragraph.

13. Section 128.18 of the said Act is amended

(1) by replacing the words “or physical features” in the third and fourth lines of paragraph 1 by the words “the physical features or the location of the habitat on public or private land”;

(2) by replacing the words “or physical features” in the last line of paragraph 2 by the words “the physical features or according to whether the habitat is located on public or private land”.

14. Section 133 of the said Act is amended by replacing the word “nine” in the second line of the first paragraph by the word “thirteen”.

15. Section 162 of the said Act is amended

(1) by inserting, after paragraph 3, the following paragraph:

“(3.1) prescribing the manner in which a conservation officer may dispose of seized property that is perishable or likely to depreciate rapidly and, according to the class or kind of property seized, determining the amount, or a method for determining the amount, of the indemnity payable to the person entitled in cases where the officer has disposed of the property;”;

(2) by adding, at the end of paragraph 9, the following: “the conditions and obligations may vary, namely according to the age of the applicant or holder;”.

16. Section 165 of the said Act, amended by section 335 of chapter 4 of the statutes of 1990 and section 26 of chapter 33 of the statutes of 1991, is again amended by inserting the figure “30.3,” after the figure “30.2,” in the first line of subparagraph 3 of the first paragraph.

17. This Act will come into force on 1 July 1992, except section 13 which will come into force on *(insert here the date of coming into force of section 128.18 of the Act respecting the conservation and development of wildlife)*.