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# NATIONAL ASSEMBLY

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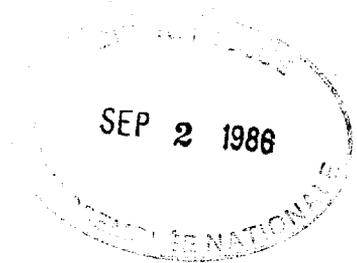
FIRST SESSION

THIRTY-THIRD LEGISLATURE

Draft Bill

**Forest Act**

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**Introduced by  
Mr Albert Côté  
Minister for Forests**

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**Québec Official Publisher  
1986**

## EXPLANATORY NOTES

*The object of this draft bill, which replaces the provisions of the Lands and Forests Act dealing with the management of forests, is to introduce a new system of forest management in Québec.*

*The draft bill proposes the abolition of all forms of timber allotment, including present timber limits and timber supply guarantees. As compensation, every person governed by the existing provisions of the law who operates a timber processing facility will have the right to be awarded a timber supply and forest management contract by the Minister. Under such a contract, the holder will be entitled to a volume of timber from forests in the public domain in return for his undertaking to restore the logging areas to a state capable of ensuring perpetuation of the forest and to pay royalties based on the allotted volume of timber rather than the volume actually harvested. The proposed legislation also defines the rights and obligations of a licensee operating in forests in the public domain.*

*As to private forests, the draft bill confirms the status of the forest producer, and reaffirms the willingness of the Government to promote the development of private forests through the implementation of appropriate programs.*

*With respect to the protection of forests against harmful agents, it contains provisions pertaining to forest fires, insect infestations and disease.*

*Finally, the draft bill provides transitional measures to guarantee the supply of timber to forest product industries during the period of introduction of the new forest management system, that is, until 1 April 1990.*

# DRAFT BILL

## FOREST ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### CHAPTER I

#### MANAGEMENT OF FORESTS IN PUBLIC DOMAIN

##### DIVISION 1

###### SCOPE

- 1.** This chapter applies to lands and forests in the public domain.

##### DIVISION 2

###### OPERATIONS

- 2.** No one may harvest, remove or carry away timber unless he is a licensee under a forest operating licence.

- 3.** An operating licence shall be issued by the Minister in the cases, conditions or circumstances determined by regulation.

Where the object of the licence is to authorize the harvesting of timber to supply a timber processing facility, it shall be issued to a person holding a timber supply and forest management contract under Division 4.

Where the licence is for another object, the Minister may, in the cases prescribed by regulation, make its issue subject to such special conditions as he considers appropriate to the circumstances and the purpose of the application.

**4.** Every licensee shall pay the royalties prescribed by regulation.

In the case of a licence authorizing the harvesting of timber for commercial purposes, the royalties shall be established on the basis of the value of the standing timber, taking into account the species, quality, condition and location of the timber, after deducting the allowable forest management costs established by the Minister in accordance with the assessment rules prescribed by regulation. The royalties so established shall be calculated according to the volume of timber allotted annually to the licensee, irrespective of the volume harvested.

**5.** Full ownership of the timber allotted to a licensee who is the holder of a contract under Division 4 remains in the public domain until it is cut and sent to the destination specified in the licence, even if the contract holder has paid the prescribed royalties.

Where the royalties are calculated according to the volume harvested, full ownership of the felled timber remains in the public domain until the prescribed royalties are paid in full.

The Minister retains the right to follow, seize and sequester the timber wherever and in whatever form it may be, until the prescribed royalties are paid in full.

**6.** An operating licence shall be granted for a period not exceeding twelve months.

Notwithstanding the first paragraph, in the case of a licence authorizing the cultivation of sugar maple trees for the commercial production of sap granted to the beneficiary of a loan under the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1), the Minister may grant the licence for a period corresponding to the term stipulated in the deed of loan.

**7.** Every licensee who has timber to float may, for that purpose, pass upon private property; he shall indemnify the owners for any damage he causes.

**8.** In the areas of land allocated to the production of ligneous matter under the land use plan approved pursuant to section 11 of the Act

respecting the lands in the public domain (1986, chapter *insert here the chapter number of this Act in the statutes of 1986*), the operation authorized under the licence shall be carried out in accordance with the directives issued by the Minister under section 9.

**9.** For the purposes of this chapter, the Minister may issue directives on

(1) the mode of calculation of the allowable annual cut for sustained yield and of the annual availabilities of a forest area;

(2) the form and contents of the plans and reports which licencees and contract holders are required to submit to him;

(3) the application of silvicultural treatments and the assessment of their effectiveness;

(4) any other technical procedure.

The directives are binding on licensees and contract holders, and shall be compiled in a forest management manual published and made available to them by the Minister.

**10.** To promote best use of the species available according to their quality and characteristics, the Minister may, to the extent and on the conditions determined by regulation, grant a royalty abatement or a compensatory timber allowance to a licensee, according to the destination of the timber authorized for harvesting under the licence. For that purpose, the Minister may determine and publish in the forest management manual criteria by which best use may be assessed according to the characteristics of each region and existing processing technologies.

### DIVISION 3

#### CONSTRUCTION AND USE OF FOREST ROADS

**11.** A forest road is a road or part of a road constructed on land under the control of the Minister responsible for the administration of the Act respecting the lands in the public domain.

A road or part of a road shall remain a forest road even if it is the subject of an order made under section 6 of the Act respecting the lands in the public domain, unless the Government decides otherwise.

**12.** No one may construct a forest road without prior authorization in writing from the Minister. The Minister may grant such authorization

on the conditions he determines. It shall be issued in the form of an operating licence in accordance with section 3.

A forest road, regardless of who constructed it, forms part of the public domain.

**13.** The Minister, in the cases, conditions and circumstances determined by regulation, may reimburse, up to the amount he determines, a licensee having obtained a licence under section 12 for the cost of construction of a forest road.

**14.** Any person may use a forest road.

The Minister, on the conditions he determines, may prohibit public access to a forest road.

**15.** The Minister may determine the contribution that may be required from those using a forest road to defray the cost of its construction, improvement and maintenance. He may entrust the collection of the contribution to any person.

**16.** No claim for damages may be made by any person using a forest road on account of damage resulting from a defect in the construction, improvement or maintenance of the road.

#### DIVISION 4

##### TIMBER SUPPLY AND FOREST MANAGEMENT CONTRACT

#### § 1.—*Contract holders*

**17.** The Minister may award a timber supply and forest management contract to a person authorized to construct or operate a timber processing facility under Chapter IV who complies with the general conditions prescribed by regulation of the Government.

**18.** The Minister shall award a contract to the person eligible therefor if he is of opinion that it is in the public interest and if the allowable cut and the availability of the forests permit it.

**19.** The contract holder shall cause every instrument affecting the timber supply and forest management contract to be entered in the register kept for that purpose by the Minister.

**20.** Prior information of every transaction of such a nature as to change the control of a corporation or partnership that is a contract holder must be given to the Minister.

If the timber processing facility closes following the transaction, the contract related to it is cancelled of right.

In other cases, the Minister may revise the allotted volume, the perimeter or the area of the forest land or the production objectives. Where such is the case, he shall award a new contract.

§ 2.—*Object of the contract*

**21.** Under the contract, the holder shall be allotted an annual volume of timber on an area of forest land bounded as determined by the Minister, to supply a timber processing facility, and shall undertake in return to manage the forest land in pursuance of production objectives consistent with this chapter and the regulations thereunder.

**22.** The volume of the annual cut allotted to the contract holder shall consist of one or several species described in the contract.

The allotted volume shall be established by the Minister for the term of the contract, taking into account, in particular, the average volume of round timber from the public domain used by the contract holder in the preceding five years, the production capacity of the timber processing facility, and other sources of supply such as timber from private forests, chips, sawdust and shavings and imported timber.

In no case may the allotted volume exceed the volume of the allowable annual cut for sustained yield added to the availability.

**23.** The allowable annual cut for sustained yield is equal to the maximum volume of annual timber harvests that may be obtained in perpetuity from a particular forest area without reducing the production capabilities of the forest and without causing any stock shortage.

The availability is equal to the average annual volume of harvested species considered secondary species that may be obtained when harvesting species considered primary species according to the allowable annual cut for sustained yield in a particular forest area.

In any forest area, the species are considered secondary or primary according to criteria determined by the Minister and set forth in the forest management manual.

**24.** The boundaries of the forest area on which timber is allotted shall be fixed in accordance with the allowable annual cut for sustained yield and the availability.

**25.** The Minister may award several contracts on the same forest area, allotting timber of different species or intended for different uses.

**26.** The contract holder has the exclusive right to harvest the volume of timber allotted to him for the species described in the contract, except where the cutting in a forest area common to several contract holders is integrated in accordance with section 31.

**27.** The Minister may alter the boundaries of the forest land under a contract if for reasons of public interest an area ceases to be allocated to timber production.

If, as a result of the alteration, an area having been under management formerly approved by the Minister is deleted, the Government shall grant equitable compensation to the contract holder who paid the cost thereof.

**28.** The Minister shall fix production objectives under the contract in such a way, in the case of fir, spruce or jack pine, as to ensure that the allowable cut on a forest area is maintained at a level equal to or greater than the volume allotted to the contract holder or, in the case of other species, as to promote tree improvement on the forest area.

### § 3.—*Management plans*

**29.** Every contract holder shall submit to the Minister, for approval, a management and working plan respecting the forest area for the term of the contract.

**30.** The management and working plan must specify the forest management work required to attain the production objectives determined in the contract.

**31.** Where a forest area is common to several contract holders, they must come to an agreement among themselves respecting forest management and the integration of cutting in that area. The terms and conditions of the agreement must be set forth in the management and working plan of each contract holder.

Failing an agreement, the Minister shall cause a management and working plan to be prepared for the common forest area, providing for the integration of cutting. The contract holders must comply with the plan, and shall pay the cost of its preparation and implementation to the extent determined by the Minister for each of them.

Before approving the plans, the Minister may make any necessary changes to them to ensure the integration of the cutting. He shall notify the contract holders concerned of any such changes, which shall be binding on them.

**32.** Every contract holder shall prepare and submit to the Minister for approval a five-year forest management plan specifying the work he intends to carry out to attain the objectives fixed for him.

If a contract holder fails to produce a five-year plan at the time and in the manner determined by regulation, the Minister shall cause it to be prepared at the contract holder's expense.

**33.** The contract holder shall bring his management and working plan up to date at least every five years to take account of the five-year plan approved by the Minister.

**34.** The contract holder shall carry out, at his own expense, the silvicultural work specified in the management plans approved by the Minister.

If the contract holder fails in one year to carry out the work specified in the five-year plan, the Minister may carry it out in his place and recover the related cost from the contract holder in default.

**35.** The silvicultural work required to restore production in areas of forest land where, at the time of the contract, regeneration has been lacking or of poor quality, shall be carried out by the Minister to the extent he may determine.

**36.** Each year, the Minister shall provide the contract holder, free of charge, with the plants necessary for the reforestation of the land in accordance with the management and working plan.

**37.** A contract holder, with the approval of the Minister, may carry out any management work expected to result in a yield in excess of the production objectives specified in the contract.

If, at the time of the five-year review of the contract, the Minister is of opinion that a greater yield will be obtained, he shall allot an additional volume to the contract holder equal to the anticipated increase. The additional volume shall not be included in the allotted volume used in determining the royalties payable by the contract holder under section 4.

**38.** Where substantial destruction has been caused to timber stands by natural disasters such as forest fires, windfalls, infestations of insects or epidemics of cryptogamic diseases, the Minister may review and amend a contract and the forest land under it, and require the contract holder to amend his management plan to ensure wood salvage and the stability of timber supplies.

**39.** The Minister may also prepare a special salvage plan and make it applicable to the forest land under the holder's contract. The holder shall comply with such a plan on pain of a reduction in the volume of his allotment equal to the volume of timber he is required to salvage under the special plan.

The Minister, in the cases and on the terms and conditions determined by regulation and up to the amount he determines, may reimburse the contract holder for the cost of implementation of the plan.

**40.** The Minister shall provide the inventory data he determines to the contract holder for the preparation and implementation of the plans provided for in this division.

#### § 4.—*Annual operating plan*

**41.** In order to obtain an operating licence, a contract holder must submit an annual operating plan to the Minister.

**42.** The annual operating plan shall describe the cutting methods, the specific cutting areas and the infrastructures, and the work related to the restoration of forest production which the contract holder intends to carry out during the year with a view to implementing the five-year plan contemplated in section 32.

**43.** Upon giving approval to the annual operating plan, the Minister shall issue an annual operating licence to the contract holder authorizing the implementation of the plan.

**44.** The annual licence shall indicate the cutting volume, the specific cutting areas, the infrastructures and the work related to the restoration of forest production to be carried out in the year, as well as any other operating conditions. The licence shall specify the destination of the wood harvested on forest land in which cutting is integrated.

**45.** An annual operating licence shall not be issued to a contract holder who has not produced a management and working plan or a

five-year plan or, as the case may be, who has not paid the cost of its preparation or implementation or who has not paid the prescribed royalties in full.

§ 5.—*Term of contract*

**46.** A contract shall be for a term of twenty-five years in the case of broadleaves destined for the manufacture of pulpwood and chipboard or in the case of fir, spruce or jack pine destined for the manufacture of pulpwood and timber. It shall be for a term of ten years in all other cases.

**47.** Every five years, the Minister may revise the allotted volume, the perimeter or area of the forest land or the production objectives specified in the contract, to take account of

(1) the degree to which the production objectives have been attained;

(2) changes in the requirements of the timber processing facility;

(3) a reduction in the allowable cut for the forest area owing to a natural disaster;

(4) the average volume cut in the preceding five years;

(5) changes in the apportionment of sources of supply owing to fluctuations in the production of chips or timber from private forests.

**48.** If the allotted volume is decreased, the contract holder may resort to the arbitration procedure provided in the Code of Civil Procedure (R.S.Q., chapter C-25).

**49.** Every five years, the term of the contract is extended for five more years if the timber processing facility is operating normally and if, during the preceding five years, the contract holder has fulfilled the requirements under the contract, this Act and the regulations thereunder.

§ 6.—*Cancellation of the contract*

**50.** The Minister may cancel a contract at any time if the contract holder fails to pay the prescribed royalties or to fulfil any requirement of his contract or operating licence or of this Act or the regulations thereunder.

**51.** The Minister shall cancel the contract in the following cases:

- (1) where, after sixty days' notice, the contract holder fails to reimburse the cost of work specified in the five-year forest management plan that the Minister carried out in his place owing to his failure to do so;
- (2) where the facility is closed permanently.

#### DIVISION 5

##### MANAGEMENT AGREEMENTS

**52.** The Minister may, on conditions determined by regulation, enter with the owner of a private forest or an association of such owners into an agreement by which he entrusts the owner or association with the management of forests in the public domain to remedy the parcelling out of private forests, promote the establishment or consolidation of sylvicultural enterprises or facilitate the management of a forested area.

**53.** The forests contemplated in section 52 shall be managed in accordance with the management and working plan applying to the area where they are situated which must be submitted to the Minister for approval.

**54.** Logging in the forests contemplated in section 52 is not subject to this chapter. The Government may nevertheless make regulations determining

- (1) the term of the agreement contemplated in the said section;
  - (2) the conditions relating to the use of such forests;
  - (3) the amount of the duties exigible;
  - (4) the nature of the required authorizations and reports;
  - (5) the apportionment of the cut timber to the processing facilities;
- and
- (6) the conditions governing the marketing of the timber.

## CHAPTER II

## DEVELOPMENT OF PRIVATE FORESTS

## DIVISION 1

## PLANS AND PROGRAMS

**55.** The Minister may prepare and promote the preparation of plans and programs for the inventory and development of private forests. The Minister may, on the conditions he determines, grant financial assistance therefor to private forest owners out of the funds at his disposal where he is of opinion that it is expedient.

**56.** The Minister shall promote reforestation of private forests by the gathering of forest seeds, the maintenance and development of nurseries, the purchase of lands and their reforestation, the distribution of plants, the planting of trees, the lending of machinery and by any other measure of the same nature.

## DIVISION 2

## TIMBER PRODUCER

**57.** Every person involved in the management and development of a wooded area may be certified as a timber producer and obtain a timber producer's certificate on the conditions determined by regulation.

**58.** Every timber producer certified under section 57 may apply for a reimbursement of real estate taxes under section 220.3 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) in respect of the assessment unit indicated in the certificate by the Minister on the conditions determined by regulation.

## CHAPTER III

## FOREST PROTECTION

## DIVISION 1

## FIRE

**59.** The Minister may certify an organization composed of holders of timber supply and forest management contracts and private forest owners as a forest protection organization for a forest area bounded as he determines.

The organization shall be responsible for the protection of forests against fire and the extinction of forest fires.

**60.** In order to be certified by the Minister, the organization must transmit its membership list to him and obtain his approval of its general by-laws, mode of financing and area of operations.

The organization shall each year submit to the Minister for his approval any change in the information contemplated in the first paragraph and an organization plan describing the means it intends to use for the prevention and extinction of fires.

If the organization fails to comply with this section to the Minister's satisfaction, he may establish the method of protection of the forest he considers appropriate at the expense of the organization or of each of its members.

**61.** Every contract holder shall be a member of a forest protection organization certified by the Minister.

The same rule applies to every owner of a private forest of at least eight hundred hectares and, if the Minister considers it appropriate, to any other owner of private forest.

**62.** The forest protection organization shall assume the cost of prevention and extinction of forest fires in the area approved by the Minister.

Following a forest fire, the costs incurred by the forest protection organization to fight the fire may be refunded to it by the Minister, in whole or in part, upon the production of vouchers and at the rates he determines.

**63.** Where a fire starts on private land, any agent of a forest protection organization is authorized to enter upon the land and to use all necessary measures to extinguish the fire.

The forest protection organization may claim from the owner of the private land the expenses incurred in fighting the fire, up to the amount determined by the Minister.

**64.** Any agent of a forest protection organization may requisition any necessary equipment to fight a forest fire for the compensation determined by the Minister.

**65.** The Minister may authorize any person he designates to act as a fire-ranger.

**66.** The Minister, when of opinion that weather conditions so require, may prohibit or restrict access to and traffic in the forest and prescribe any other measures calculated to decrease the risk of fire.

**67.** No person may smoke in the forest while carrying on work or travelling.

**68.** No person may start a fire in or near the forest from 1 April to 15 November unless he holds a permit issued by a fire-ranger for that purpose.

Permits shall be issued or cancelled in the cases, conditions or circumstances prescribed by regulation.

**69.** Notwithstanding section 68, a person is permitted to start a camp fire or a fire in or near the forest to clear residential or vacation resort land.

**70.** Every person who operates a waste disposal site in or near the forest shall clear the place to ensure the protection of the forest and comply with all other requirements prescribed by regulation of the Government.

**71.** Every person, other than persons required to be members of an organization, who carries on work in a forest in the public domain shall obtain a forest protection plan prepared by the organization operating on the forest land concerned. The plan must be duly approved by the Minister and the person shall assume the costs of the surveillance operations.

This section also applies to the departments and agencies of the Government determined by regulation.

**72.** Every person who carries on work in or near the forest on behalf of a member of an organization contemplated in section 59 is deemed to be his employee for the purposes of this chapter.

**73.** Every person who carries on work in the forest is presumed to be responsible for any fire which starts on the work site. The person shall repay to the forest protection organization all the costs it incurs unless he proves that the fire was not due to his fault or to that of his employees.

This section does not apply to work carried on by a member of a forest protection organization certified by the Minister.

**74.** The Minister may authorize the use of fire for the carrying on of forest management work. The person who carries on the work shall comply with the instructions in that regard given by the forest protection organization with the approval of the Minister.

## DIVISION 2

### DISEASES AND EPIDEMICS

**75.** In the event of an infestation of insects or an epidemic of a cryptogamic disease, the Minister shall prepare a forest protection plan after consultation with the forest protection agencies concerned. Each contract holder shall pay part of the cost of implementation of the protection plan, to the extent determined by regulation.

**76.** Where an infestation of insects or an epidemic of a cryptogamic disease affects private land and threatens to spread to neighbouring forests, the Minister may take measures to ensure the protection of the forest.

The Minister may, up to the amount he determines, claim the cost of the measures from the owner of the private land.

**77.** The Minister may, in the cases, conditions or circumstances that the Government may determine by regulation, subject tree plants that are sold or transferred for other than ornamental purposes to such phytosanitary standards tests as he considers expedient, and prohibit the sale and order the destruction of plants affected by disease or likely to cause an infestation of insects.

**78.** Every person authorized by the Minister to act as an inspector or analyst may, in the performance of his duties, enter at any reasonable time a place containing plants prescribed by regulation under section 77 or order any vehicle in which such plants are carried to be stopped for inspection or analysis.

Where the inspector or analyst ascertains that the plants are affected by a disease or are likely to cause an infestation of insects and where the Minister so orders, the authorized person may seize and destroy the plants.

**79.** The inspector or analyst shall, on request, identify himself and produce a certificate of his capacity signed by the Minister.

The owner or the person in charge of an immovable or vehicle being inspected and any person therein must assist an inspector or analyst in the performance of his duties.

**80.** No person may hinder an inspector or analyst in any manner in the performance of his duties.

No inspector or analyst may be prosecuted for acts done in good faith in the performance of his duties.

## CHAPTER IV

### TIMBER PROCESSING

**81.** No person may construct a timber processing facility of a category determined by regulation without prior authorization of the Minister on the conditions he determines.

No person may increase the timber consumption or change the use or location of a facility without prior authorization of the Minister on the conditions he determines.

**82.** No person may operate a timber processing facility unless he holds a permit issued by the Minister for that purpose. The permit shall be posted up in an accessible place in the facility.

**83.** The Minister may revoke an authorization or a permit where the holder fails to comply with section 81 or 82.

**84.** Prior information of every transaction of such a nature as to effect a change in the control of a facility must be given to the Minister.

**85.** Every operator of a timber processing facility using unprocessed timber as raw material and every person in the timber business in Québec may be required to declare under oath to the Minister the source of the timber in his possession and to give any necessary information to prove that the royalties on the timber have been paid.

If the required information is refused, the Minister may cause the timber to be seized and disposed of according to law.

**86.** The operator of a facility where timber is processed shall keep a register in the form determined by the Minister indicating the quantity of timber from public forests, timber from private forests, chips, sawdust, shavings and imported timber.

Not later than 30 April each year, the operator shall certify a copy of the register and transmit it to the Minister.

**87.** The Minister may require the operator to furnish any information on his facility which the Minister considers expedient for statistical purposes related to the administration of this Act. The operator shall transmit the required information with the copy of the register he must transmit under section 86.

## CHAPTER V

### REGULATIONS

**88.** The Government may, by regulation,

(1) determine the mode of reimbursement of the cost of work specified in a five-year plan which the Minister has carried out in place of a contract holder;

(2) determine to what extent and on what conditions the Minister may grant a royalty abatement or a compensatory allowance in order to promote the best use of timber according to its quality and characteristics;

(3) establish standards and conditions for vehicle traffic in the forest and on forest roads, the weight and size of such vehicles, the trimming of their loads and road signs, and render applicable to traffic on forest roads such provisions of the Highway Safety Code (R.S.Q., chapter C-24.1) as it determines;

(4) establish standards of location, construction, improvement, maintenance, classification and use of forest roads;

(5) determine the cases, conditions and circumstances in which the Minister may reimburse the cost of construction of a forest road;

(6) define classes of forest operating licences for other than commercial purposes and determine for each class the type of operations permitted, the cases, conditions or circumstances in which licences may be issued, the rates of harvesting royalties and the cases in which the issue of a licence may be subject to special conditions;

(7) fix the basis and the method of calculation of the royalties which a licensee under a forest operating licence holding a timber supply and forest management contract shall pay and the rules for assessing the forest management costs deductible from the value of the timber;

(8) prescribe the general conditions governing the awarding of contracts;

(9) prescribe the cases where the Minister may amend a contract;

(10) determine, for areas allocated to the production of ligneous matter, the operating conditions and periods;

(11) establish safety standards for the prevention of forest fires and determine the cases, conditions and circumstances in which a permit to light a fire in the forest may be issued or cancelled;

(12) specify which public bodies must prepare a forest protection plan before carrying out work in a public forest;

(13) determine the extent to which a contract holder must share the cost of implementation of an insect infestation control plan;

(14) determine the cases where the Minister may reimburse a contract holder for the cost of implementing a salvage plan or forest protection plan and the terms and conditions of reimbursement;

(15) specify the cases, conditions or circumstances in which plants intended for sale or transportation are subject to phytosanitary standards tests and may not be sold or transported or must be destroyed;

(16) determine the categories of timber processing facilities which are subject to Chapter IV;

(17) determine the conditions on which a person involved in the management and development of a wooded area may qualify as a timber producer and obtain a timber producer's certificate and determine the form and contents of the documents he must file for that purpose;

(18) define the classes of persons who are not entitled to obtain a timber producer's certificate;

(19) determine the conditions governing the indication of an assessment unit on a timber producer's certificate.

## CHAPTER VI

### PENALTIES

#### DIVISION 1

##### OFFENCES

**89.** Every person who, without a licence, cuts, removes, carries away or harvests timber on land in the public domain is guilty of

an offence and liable, in addition to costs, to a fine of not less than \$ 50 nor more than \$ 500 for each tree so cut, removed or carried away and for each subsequent offence within two years to a fine of not less than \$ 100 nor more than \$ 1000 for each tree so cut, removed or carried away.

**90.** Every person who contravenes section 64, 66, 67, 68 or 71 is guilty of an offence and liable, in addition to costs, to a fine of not less than \$ 100 nor more than \$ 1000.

**91.** Every person who, knowingly, by an act or omission attempts to aid a person to commit an offence or advises a person to commit an offence or encourages or incites him thereto is himself a party to the offence.

**92.** Penal proceedings pursuant to this Act shall be instituted in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).

## DIVISION 2

### SEIZURES

**93.** If timber cut, removed, carried away or harvested without a licence in contravention of section 2 is mixed with other timber, wherever it may be, all the timber is considered to have been cut without a licence and may be seized.

**94.** Any employee of the department who is in a class designated for that purpose by the Minister may seize any timber cut, removed or carried away without a licence from public land or on which royalties under this Act are due, and put such timber in proper custody.

Where timber has been cut, removed or carried away without a licence, the employee may also seize any vehicles or instruments used to commit the offence.

**95.** The person who effects the seizure shall draw up the minutes specifying the date and place of seizure, the quantity of timber seized, a list of the vehicles and instruments used and the name and address of the person designated as custodian.

Where the designated custodian is not the person on whose premises the timber was found, the Minister may grant an indemnity to cover the costs of custody.

**96.** The burden is on the person whose timber has been seized to prove that he holds a licence, that the prescribed royalties have been paid and that the timber is from a private forest.

**97.** Unless opposition is made in accordance with the Code of Civil Procedure within fifteen days of the seizure, the Minister shall proceed with the sale of the timber and any other property seized.

The person making the opposition may during the proceedings obtain possession of the property seized upon giving surety for its value.

## CHAPTER VII

### TIMBER LIMITS AND TIMBER SUPPLY GUARANTEES, AGREEMENTS AND ORDERS EXISTING ON (*INSERT HERE THE DATE OF COMING INTO FORCE OF THIS CHAPTER*)

#### DIVISION 1

#### CANCELLATION

**98.** From (*insert here the date of coming into force of this section*), all timber limits leased on the public domain are cancelled.

The same applies to any guarantee to supply timber granted in the form of rights to cut standing timber to the persons whose timber limits have been cancelled under section 93 of the Lands and Forests Act (R.S.Q., chapter T-9).

**99.** From (*insert here the date of coming into force of this section*), all timber supply agreements entered into under section 106 of the Lands and Forests Act are cancelled.

**100.** From the same date, any other instrument requiring the Government or one of its ministers to allot standing timber on the public domain for the benefit of any person is without effect.

In addition, all orders made under sections 93 and 106 of the Lands and Forests Act cease to have effect from that date.

**101.** Every privilege, hypothec or real right affecting the right to cut in a timber limit or affecting a guarantee to supply timber granted under section 93 of the Lands and Forests Act or affecting an agreement to supply timber entered into under section 106 of the same Act is extinguished of right from (*insert here the date of coming into force of this section*).

## DIVISION 2

## RIGHTS OF EXISTING HOLDERS

**102.** A person whose timber limit has been cancelled under section 93 of the Lands and Forests Act and to whom the Minister has not granted compensation on (*insert here the date of introduction of the Forest Act*), is entitled to receive an indemnity from the Minister of Energy and Resources. In no case, however, may a timber supply guarantee in the form of rights to cut standing timber be granted to him even if he owned a timber processing plant in Québec on the date of the cancellation.

**103.** The indemnity paid to a person contemplated in section 102 shall be equal to the residual value of the permanent works, inventory, management and survey work and other improvements effected by that person on the cancelled timber limit before (*insert here the date of introduction of the Forest Act*). The residual value shall be established according to the method determined by regulation of the Government.

Where a timber supply and forest management contract is awarded to the person in respect of the same territory, in whole or in part, as the cancelled timber limit, the compensation provided for in the preceding paragraph is decreased, except in respect of roads classified as main logging roads, by the undepreciated capital cost of the works and improvements that will continue to be used for the purposes of the timber supply and forest management contract.

**104.** Every person owning a timber processing facility in Québec whose timber limit, timber supply guarantee or timber supply agreement has been cancelled under sections 98 to 100 is entitled to obtain a timber supply and forest management contract from the Minister of Energy and Resources pursuant to Division 4 of Chapter II.

The same applies to a logging cooperative whose order has been cancelled by sections 98 to 100.

The same also applies to persons having a timber processing facility in Québec whose timber limits have been cancelled under section 93 of the Lands and Forests Act and who have not obtained a timber supply guarantee before the coming into force of this section.

The Government may, by regulation, define a timber processing facility for the purposes of this chapter.

**105.** No cancellation pursuant to sections 98 to 100 gives entitlement to any indemnity and no recourse lies against the Government or one of its ministers by reason of their coming into force.

## CHAPTER VIII

### TRANSITIONAL AND FINAL PROVISIONS

**106.** Notwithstanding sections 98 to 100, a person described in section 104 may exercise the cutting rights attached to the cancelled timber limit, timber supply guarantee, timber supply agreement or order until the earlier of the following dates:

(1) the date on which the person enters into a timber supply and forest management contract with the Minister;

(2) 1 April 1990.

The exercise of the cutting rights is subject to the conditions prescribed and the payment of the duties fixed by the Lands and Forests Act.

**107.** In order to promote forest conservation, the first full week in May each year shall be "Arbor and Forest Week".

**108.** In 1990, and every five years thereafter, the Minister shall table a report in the National Assembly on the forest situation in Québec.

**109.** This Act replaces sections 4, 5, 6 and 66 to 168 of the Lands and Forests Act. Those sections remain in force, however, to the extent necessary to give effect to section 106.

**110.** Regulations and orders made under the Lands and Forests Act remain in force so far as they are consistent with this Act.

**111.** The Government may, by regulation, make any other provisional or transitional provisions to supply for any omission in order to ensure the administration of this Act.

**112.** The Government shall designate the Minister responsible for the administration of this Act.

**113.** This Act will come into force on the date fixed by order of the Government, except the provisions excluded by the order, which will come into force on the later dates fixed by order of the Government.