

NATIONAL ASSEMBLY  
Thirty-fourth Legislature, second session

1992, chapter 28

**AN ACT TO AMEND THE ACT RESPECTING THE  
MARKETING OF AGRICULTURAL, FOOD AND  
FISH PRODUCTS AND THE DAIRY PRODUCTS AND  
DAIRY PRODUCTS SUBSTITUTES ACT**

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**Bill 23**

Introduced by Mr Yvon Picotte, Minister of Agriculture, Fisheries and Food

Introduced 12 May 1992

Passage in principle 4 June 1992

Passage 22 June 1992

**Assented to 23 June 1992**

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**Coming into force: 23 June 1992**

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**Acts amended:**

Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30)

Act respecting the marketing of agricultural, food and fish products (1990, chapter 13)

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## CHAPTER 28

### **An Act to amend the Act respecting the marketing of agricultural, food and fish products and the Dairy Products and Dairy Products Substitutes Act**

*[Assented to 23 June 1992]*

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1990, c. 13,  
s. 1, am.

**1.** Section 1 of the Act respecting the marketing of agricultural, food and fish products (1990, chapter 13) is amended by adding, at the end, the words “, whether or not such activities are carried on for purposes of sale”.

1990, c. 13,  
s. 6, am.

**2.** Section 6 of the said Act is amended by adding, at the end of the first paragraph, the words “or its immediate vicinity”.

1990, c. 13,  
s. 7.1,  
added

**3.** The said Act is amended by inserting, after section 7, the following section:

Supplemen-  
tary  
members

**“7.1** The Government may, if it considers that the dispatch of the affairs of the Régie so requires, appoint any supplementary member for the time it determines.”

1990, c. 13,  
s. 37, am.

**4.** Section 37 of the said Act is amended by replacing the word and figure “section 18” in the second line of the third paragraph by the words and figure “the first paragraph of section 19”.

1990, c. 13,  
s. 41.1,  
added

**5.** The said Act is amended by inserting, after section 41, the following section:

Duties,  
fees,  
expenses,  
costs

**“41.1** The Régie may, by regulation, determine the tariff of duties, fees, expenses and costs in respect of the applications submitted to it and the services it provides.”

1990, c. 13,  
s. 54,  
replaced

**6.** Section 54 of the said Act is replaced by the following section:

Procedure        **"54.** To hold the referendum, the Régie shall determine by regulation the qualifications required of a producer and the conditions he must satisfy, on a specified date, to be considered an interested producer. Every interested producer is entitled to one vote, except where his operation has a legal status determined by regulation of the Régie, in which case the producer is entitled to two votes.

List of producers        The Régie shall draw up a list of interested producers and shall determine

(1) the places where the list may be consulted;

(2) the time granted to any producer whose name may have been omitted from or included on the list by error to make the required corrections;

(3) the time granted to contest the status of interested producer of any person whose name appears on the list;

(4) the time granted to contest the number of votes granted to an interested producer;

(5) the procedure for making the final list of interested producers public.

Final list        After these formalities have been completed, the Régie shall draw up the final list of interested producers and make it public. The list cannot be contested."

1990, c. 13,  
s. 59, am.        **7.** Section 59 of the said Act is amended by adding, at the end, the following paragraphs:

Applicability        "This section applies even where the person or partnership acts through an agent, mandatary, company or partnership of which he or it is a shareholder or partner. It also applies where the person or partnership agrees with any other person or partnership that the latter shall carry on the activity concerned on his or its behalf.

Rights and obligations        However, any person who or partnership which owns a private woodlot of at least 800 hectares in a single block, in respect of which he or it has undertaken to comply with a general forest management plan and a five-year forest management plan pursuant to the second paragraph of section 121 of the Forest Act (R.S.Q., chapter F-4.1), does not have the rights and is not bound by the obligations referred to in the first paragraph in respect of timber harvested on that woodlot and marketed under a plan, if such timber is harvested for himself or itself and processed in a plant which he or it owns."

1990, c. 13,  
s. 71, am. **8.** Section 71 of the said Act is amended by striking out the second paragraph.

1990, c. 13,  
s. 84, am. **9.** Section 84 of the said Act is amended by striking out the third paragraph.

1990, c. 13,  
s. 86,  
replaced **10.** Section 86 of the said Act is replaced by the following section:

Right to  
vote **“86.** At any meeting of producers, every producer is entitled to one vote, except where his operation has a legal status determined by by-law of the marketing board, in which case the producer is entitled to two votes. However, a producer acting as a delegate is entitled to only one vote.

Vote by  
proxy Only legal persons may vote by proxy. No person may represent more than one legal person at the same time.”

1990, c. 13,  
s. 89,  
replaced **11.** Section 89 of the said Act is replaced by the following section:

Restriction **“89.** No person whose commercial interests are incompatible with the mission of a marketing board may hold office as a director of that board.”

1990, c. 13,  
s. 91, am. **12.** Section 91 of the said Act is amended by striking out the second sentence.

1990, c. 13,  
s. 100.1,  
added **13.** The said Act is amended by inserting, after section 100, the following section:

Financial  
assistance **“100.1** To foster the reorganization of the conditions of production of an agricultural product, a board may, by by-law, grant financial assistance in respect of the product marketed under the plan administered by it to producers who satisfy the conditions determined in the by-law.”

1990, c. 13,  
s. 101, am. **14.** Section 101 of the said Act is amended by inserting the words “under this Act” after the word “board” in the first line.

1990, c. 13,  
s. 102.1,  
added **15.** The said Act is amended by inserting, after section 102, the following section:

Publication **“102.1** The Régie shall, within 20 days after publication in the *Gazette officielle du Québec* of a by-law made under paragraph 1 of section 71, cause that by-law to be published in a farm journal having general circulation in the territory where the joint plan applies.”

1990, c. 13,  
s. 123, am. **16.** Section 123 of the said Act is amended by adding, at the end, the following paragraph:

“(7) to impose, on all the producers or on those who meet certain criteria, a special contribution for the purposes of a by-law made under section 100.1 and to satisfy the obligations incurred in respect of the special fund established for the purposes of the by-law.”

1990, c. 13,  
s. 124, am. **17.** Section 124 of the said Act is amended by inserting, after paragraph 1, the following paragraph:

“(1.1) a special fund for the purposes of a by-law made under section 100.1;”.

1990, c. 13,  
s. 127,  
replaced **18.** Section 127 of the said Act is replaced by the following section:

Applicable provisions **“127.** Sections 101 and 102 apply to by-laws made under sections 123 and 126.”

1990, c. 13,  
s. 131, am. **19.** Section 131 of the said Act is amended by striking out the words “pursuant to section 117” in the second line.

1990, c. 13,  
s. 156, am. **20.** Section 156 of the said Act is amended by replacing the words and figure “sections 154 and” in the first line of the first paragraph by the word “section”.

1990, c. 13,  
s. 203, am. **21.** Section 203 of the said Act is amended by replacing the word “third” in the sixth line by the word “first”.

c. P-30,  
s. 60.1,  
added **22.** The Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30) is amended by inserting, after section 60, the following section:

Price of milk **“60.1** In fixing the price of milk by order pursuant to paragraph e of section 38, the Board shall take into account the application of any by-law concerning that product which grants financial assistance, imposes a special contribution or creates a special fund, made under section 100.1, paragraph 7 of section 123 or paragraph 1.1 of section 124 of the Act respecting the marketing of agricultural, food and fish products (1990, chapter 13).”

Incompati-  
bility **23.** Every director of a board who, on the date on which this Act comes into force, is in the situation of incompatibility referred to in section 89 of the Act respecting the marketing of agricultural, food and fish products (1990, chapter 13), has a period of three months from that date to put an end to that situation.

*Failure*                      If he fails to do so, the Régie shall by way of a formal demand require that he make a choice within the time it determines. If the director does not make a choice within that time, the Régie shall, after giving him the opportunity to be heard, declare him to be removed from the office of director of the marketing board. Any decision of the board to which the director was a party, made after his removal from office, is null.

*Coming into force*                      **24.** This Act comes into force on 23 June 1992.