

chapter C-61.1

**ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE**

PRELIMINARY PROVISION

2002, c. 82, s. 1.

The object of this Act is the conservation of wildlife and its habitat, their development in keeping with the principle of sustainable development, and the recognition of every person’s right to hunt, fish and trap in accordance with the law. To that end, this Act establishes various prohibitions that relate to the conservation of wildlife resources and various standards of safety, and sets forth the rights and obligations of hunters, fishers and trappers.

2002, c. 82, s. 1.

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## CHAPTER I

### DEFINITIONS

**1.** In this Act, unless the context indicates otherwise,

“**animal**” means any mammal, bird, amphibian or reptile of any genus, species or subspecies propagating naturally in the wild in Québec or elsewhere from indigenous stock, or not easily distinguishable from wild species by its size, colour or shape, whether or not it is born or kept in captivity; this term also applies, wherever permitted by the context, to any part or to the flesh of such an animal;

“**aquaculture site**” means a site within the meaning of section 5 of the Act respecting commercial aquaculture (chapter A-20.2);

“**big game**” means moose, bear, Virginia deer, caribou or musk ox, including their genera, species and subspecies;

“**breeding pond**” means a body of water used for breeding fish for non-commercial purposes with a view to restocking;

“**fish**” means any fish, the eggs and sexual products of such a fish, or any aquatic mollusc or crustacean;

“**fishing pond**” means a fishing pond within the meaning of section 1 of the Act respecting commercial aquaculture;

“**to hunt**” means to pursue, chase, worry, stalk, mutilate, call, follow after, lie in wait for or search for an animal or attempt to do so, while in possession of an arm, or to shoot, kill or capture an animal or attempt to do so, except by trapping it;

“**night**” means the period extending from one half hour after sunset to one half hour before sunrise;

“**pelt**” means the skin of any animal declared by regulation to be a fur-bearing animal;

“**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;

“**to purchase**” means to obtain or attempt to obtain, exchange, or procure or permit the procurement of an animal, pelt or fish, in return for a promised or received benefit;

“**to sell**” means to dispose of, offer to dispose of or exchange any animal, pelt or fish or obtain for a person or allow a person to obtain an animal, pelt or fish by any means, in return for a promised or received benefit;

“**Société**” means the Société des établissements de plein air du Québec established under the Act respecting the Société des établissements de plein air du Québec (chapter S-13.01);

“**threatened or vulnerable species**” means a wildlife species designated or recognized under the Act respecting threatened or vulnerable species (chapter E-12.01);

“**to trap**” means to capture or attempt to capture a fur-bearing animal with a trap;

“**vehicle**” means a motorized means of land transportation that is capable of transporting, hauling or pushing persons or property, except a vehicle used as a residence and permanently immobilized or a vehicle that operates exclusively on rails;

“**yard**” means the winter habitat of big game other than the black bear and the polar bear.

1983, c. 39, s. 1; 1984, c. 47, s. 38; 1986, c. 109, s. 1; 1989, c. 37, s. 50; 1992, c. 15, s. 1; 1996, c. 18, s. 1; 2000, c. 48, s. 1; 2003, c. 23, s. 66; 2009, c. 49, s. 1.

**1.1.** In the case of a threatened or vulnerable species of animal, “animal” also means any invertebrate other than an aquatic mollusc or crustacean.

The same is true for species appearing on a list established under section 9 of the Act respecting threatened or vulnerable species (chapter E-12.01).

In the case of a threatened or vulnerable species of animal or fish, a geographically isolated population or a strain or variety is also considered to be a species.

1989, c. 37, s. 51; 2009, c. 49, s. 2.

**1.2.** *(Repealed).*

1999, c. 36, s. 38; 2004, c. 11, s. 2.

**CHAPTER I.1**

**RIGHT TO HUNT, FISH AND TRAP**

2002, c. 82, s. 3.

**1.3.** Every person has a right to hunt, fish and trap in accordance with the law.

The first paragraph does not, however, operate to give precedence to that right over other activities that may be carried on in the same territory.

2002, c. 82, s. 3.

**1.4.** No person may knowingly hinder a person who is lawfully carrying on an activity referred to in the first paragraph of section 1.3, including an activity preparatory to such an activity.

For the purposes of the first paragraph, “hinder” means, in particular, preventing access by hunters, fishers or trappers to a hunting, fishing or trapping area to which they have lawful access, damaging a hunter’s tree stand or field blind, disturbing or frightening an animal or fish by human, animal or any other presence, a noise or an odour, or rendering ineffectual any bait, decoy, gear, trap or implement used to hunt, fish or trap that animal or fish.

2002, c. 82, s. 3.

**CHAPTER II**

**ADMINISTRATION**

**2.** *(Repealed).*

1983, c. 39, s. 2; 1988, c. 24, s. 1; 1994, c. 17, s. 40; 1999, c. 36, s. 39.

**2.1.** *(Repealed).*

1995, c. 14, s. 1; 1997, c. 56, s. 1.

**3.** Wildlife protection officers and other officers are appointed in accordance with the Public Service Act (chapter F-3.1.1) to see to the enforcement of this Act.

1983, c. 39, s. 3; 1983, c. 55, s. 161; 2000, c. 8, s. 242; 2000, c. 48, s. 36; 2009, c. 49, s. 43.

**4.** *(Repealed).*

1983, c. 39, s. 4; 1994, c. 17, s. 41; 1997, c. 95, s. 1; 1999, c. 36, s. 40; 2000, c. 8, s. 242; 2004, c. 11, s. 3.

**5.** Wildlife protection officers and their immediate superior have a special duty to see to the enforcement of

(1) this Act and the regulations under it;

(2) section 54 of the Act respecting the lands in the domain of the State (chapter T-8.1);

(2.1) certain programs prepared in accordance with Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) that are specified by regulation;

(3) those provisions of the Environment Quality Act (chapter Q-2) and of the regulations under it that are specified by regulation;

(4) the Natural Heritage Conservation Act (chapter C-61.01);

(5) the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1) and the regulations under it;

(6) the Parks Act (chapter P-9) and the regulations under it;

(7) the Act respecting threatened or vulnerable species (chapter E-12.01) and the regulations under it;

(8) certain provisions of the Act respecting off-highway vehicles (chapter V-1.2) and certain provisions of the regulations under it provided for by regulation;

(9) the Act respecting the Saguenay — St. Lawrence Marine Park (chapter P-8.1).

They also have a duty to inform the population on the provisions of the said Acts and regulations and to promote wildlife conservation.

1983, c. 39, s. 5; 1987, c. 23, s. 83; 1993, c. 32, s. 22; 1996, c. 62, s. 1; 1996, c. 60, s. 82; 1997, c. 16, s. 26; 2000, c. 48, s. 36; 2002, c. 74, s. 79; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

**6.** For the exercise of their duties under section 5, wildlife protection officers and their immediate superiors are peace officers.

1983, c. 39, s. 6; 2000, c. 48, s. 36; 2009, c. 49, s. 43.

**7.** For the application of this Act, every member of the Sûreté du Québec and every immediate superior of a wildlife protection officer is a wildlife protection officer *ex officio*.

A person whose principal function is to enforce the laws concerning wildlife in the provinces and States adjacent to Québec is a wildlife protection officer, *ex officio*, if acting under the orders of a wildlife protection officer appointed under section 3.

1983, c. 39, s. 7; 2000, c. 48, s. 36; 2009, c. 49, s. 3.

**8.** The Minister may appoint wildlife protection assistants and area wardens to assist wildlife protection officers in the exercise of their functions. The Minister shall determine the provisions of the Acts and regulations referred to in section 5 that are to be enforced by wildlife protection assistants and those that are to be enforced by area wardens. The Minister shall also determine the place where they are to exercise their functions.

Wildlife protection assistants and area wardens also have a duty to promote wildlife conservation.

Wildlife protection assistants and area wardens are not authorized to exercise the powers provided for in Chapters II and III of the Code of Penal Procedure (chapter C-25.1) except the power granted under article 72 of the Code.

When appointing persons as wildlife protection assistants or area wardens, the Minister shall consider their recognized, relevant training, their knowledge of and interest for wildlife and the supervisory rules applicable to them.

1983, c. 39, s. 8; 1987, c. 23, s. 84; 1996, c. 60, s. 83; 1997, c. 95, s. 8; 1996, c. 62, s. 2; 1999, c. 36, s. 41; 2000, c. 48, s. 36; 2004, c. 11, s. 37; 2009, c. 49, s. 4.

**8.1.** In the exercise of their functions, wildlife protection officers, wildlife protection assistants and area wardens must, on request, identify themselves and show the certificate issued by the Minister attesting their capacity.

1996, c. 62, s. 3; 1999, c. 36, s. 42; 2000, c. 48, s. 36; 2004, c. 11, s. 37; 2009, c. 49, s. 43.

**9.** *(Repealed).*

1983, c. 39, s. 9; 1983, c. 55, s. 161; 1996, c. 62, s. 4.

**10.** *(Repealed).*

1983, c. 39, s. 10; 1986, c. 109, s. 2; 1996, c. 62, s. 4.

**11.** The Government may authorize the Minister to expropriate an immovable or a real right necessary for wildlife conservation or management or for the conservation of a wildlife habitat.

1983, c. 39, s. 11; 1992, c. 15, s. 2; 1996, c. 62, s. 5; 1999, c. 36, s. 43.

**12.** No person may knowingly give false information to the Minister or a person acting on behalf of the Minister, any officer referred to in section 3, a wildlife protection officer, a wildlife protection assistant or an area warden acting in the discharge of his duties.

No person may purposely hinder a wildlife protection officer, an officer referred to in section 3, a wildlife protection assistant or an area warden acting in the discharge of his duties.

1983, c. 39, s. 12; 1986, c. 109, s. 3; 1996, c. 62, s. 6; 1999, c. 36, s. 44; 2000, c. 48, s. 36; 2004, c. 11, s. 4; 2009, c. 49, s. 43.

**13.** A wildlife protection officer, a wildlife protection assistant or an area warden may, in the exercise of his functions, enter upon and pass through or over private land.

1983, c. 39, s. 13; 1996, c. 62, s. 7; 2000, c. 48, s. 36; 2009, c. 49, s. 43.

**13.1.** A wildlife protection officer or a wildlife protection assistant may, at any reasonable time, enter any vehicle, boat or aircraft or any premises other than a dwelling-house where he believes on reasonable grounds there is any animal, fish or pelt, any object that can be used for hunting or trapping animals, any plant of a species designated as threatened or vulnerable under the Act respecting threatened or vulnerable species (chapter E-12.01) or any documents relating to the enforcement of this Act and the regulations or of any other Act or regulation the enforcement of which is assigned to him, in order to inspect it.

The wildlife protection officer or wildlife protection assistant, readily identifiable as such by reason of means of identification determined by the Minister, may, to that end, require any person to stop the vehicle, boat or aircraft to be inspected. The person must comply forthwith.

The wildlife protection officer or wildlife protection assistant may, in exercising his powers of inspection,

(1) open any container or require any person to open any container kept under lock and key if the wildlife protection officer or wildlife protection assistant believes on reasonable grounds that it contains any animal, fish or pelt, or any specimen of a plant species or any object or document referred to in the first paragraph;

(2) use or cause to be used any computer system to examine or reproduce documents;

- (3) use or cause to be used any copying equipment to make copies of documents and photographs;
- (4) take samples from any animal, fish, pelt or plant species referred to in the first paragraph;
- (5) take photographs of a place;
- (6) require any person on the premises to provide all reasonable assistance to enable the wildlife protection officer or wildlife protection assistant to exercise his functions;
- (7) make a seizure in accordance with section 16.

Every person referred to in the third paragraph shall comply forthwith with any request.

In this section, “dwelling-house” means a building or structure or a part thereof kept or occupied as a permanent or temporary residence, and a building or structure or a part thereof connected to it by a doorway or by a covered and enclosed passageway, and a unit that is designed to be mobile and to be used as a permanent or temporary residence and that is being used as such a residence.

1986, c. 109, s. 4; 1996, c. 18, s. 2; 1996, c. 62, s. 8; 1999, c. 36, s. 45; 2000, c. 48, s. 2, s. 36; 2004, c. 11, s. 37; 2009, c. 49, s. 43.

**13.2.** An area warden may require any person to produce for inspection any document, other than a hunting or trapping licence, required under this Act or the regulations or under any other Act or regulations he has the duty to enforce.

Every person to whom the first paragraph applies must comply forthwith with any requirement thereunder.

1996, c. 62, s. 9.

**14.** A wildlife protection officer who exercises his duties in an unorganized territory may enter a place, other than a permanent residence, to identify any person present on the premises where he has reasonable grounds to believe that the person has committed an offence under this Act or the regulations under it or under any other Act or regulation he has the duty to enforce.

The wildlife protection officer may arrest the person without a warrant, in accordance with articles 72, 73 and 74 of the Code of Penal Procedure (chapter C-25.1).

1983, c. 39, s. 14; 1990, c. 4, s. 331; 2000, c. 48, s. 36; 2009, c. 49, s. 43.

**15.** A wildlife protection officer who exercises his duties in an unorganized territory may make a search without a warrant or telewarrant in a dwelling, where the time necessary to obtain a warrant or a telewarrant may result in danger to human health or to the safety of persons or property or in the disappearance, destruction or loss of the animate or inanimate thing searched for.

1983, c. 39, s. 15; 1984, c. 47, s. 39; 1986, c. 95, s. 111; 1988, c. 39, s. 1; 1990, c. 4, s. 332; 1996, c. 62, s. 10; 2000, c. 48, s. 36; 2009, c. 49, s. 43.

**15.1.** For the purposes of sections 14 and 15, “unorganized territory” means

(1) the territory not forming part of the territory of a local municipality within the meaning of the Act respecting municipal territorial organization (chapter O-9);

(2) the territory of the Eeyou Istchee James Bay Regional Government not forming part of the territory of a locality constituted under section 26 of the Act establishing the Eeyou Istchee James Bay Regional Government (chapter G-1.04);

(3) the territory of Municipalité de Côte-Nord-du-Golfe-du-Saint-Laurent not forming part of the territory of a local municipality constituted by order pursuant to section 1 of the Act respecting the municipal

reorganization of the territory of Municipalité de Côte-Nord-du-Golfe-du-Saint-Laurent (1988, chapter 55) or of that of a locality determined by the Minister of Municipal Affairs, Regions and Land Occupancy under section 7 of the Act respecting Municipalité de Côte-Nord-du-Golfe-du-Saint-Laurent (1963, 1st session, chapter 97).

1986, c. 95, s. 112; 1990, c. 4, s. 333; 1996, c. 2, s. 598; 1999, c. 43, s. 13; 2001, c. 61, s. 17; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109; 2013, c. 19, s. 54.

**16.** A wildlife protection officer or a wildlife protection assistant may seize any animal, fish or pelt, or any specimen of a threatened or vulnerable plant species referred to in section 13.1, or any of its parts, in respect of which he has reasonable and probable cause to believe that an offence against this Act or the regulations under it or against any other Act or regulation assigned to his administration has been committed, or which has been used to commit such an offence.

A wildlife protection officer may also seize any vehicle, aircraft, boat, dog or object where he has reasonable and probable cause to believe that it has been used to commit an offence against this Act or the regulations under it or any other Act or regulation assigned to his administration.

A wildlife protection officer may also seize anything where he has reasonable and probable grounds for believing that it may be used to prove that an offence against this Act or the regulations under it or any other Act or regulation assigned to his administration has been committed.

The wildlife protection assistant who has made a seizure under the first paragraph shall deliver the animal, fish, pelt or specimen of a plant species or any of its parts to a wildlife protection officer forthwith.

1983, c. 39, s. 16; 1984, c. 47, s. 40; 1988, c. 39, s. 2; 1990, c. 4, s. 334; 1996, c. 62, s. 11; 2000, c. 48, s. 3, s. 36; 2009, c. 49, s. 43.

**17.** A wildlife protection officer shall, without delay, make a written report to the Minister of every seizure made by a wildlife protection assistant or that he makes under this Act or the regulations under it or under any other Act or regulation assigned to his administration.

1983, c. 39, s. 17; 1986, c. 109, s. 5; 1996, c. 62, s. 48; 1999, c. 36, s. 46; 2000, c. 48, s. 36; 2004, c. 11, s. 37; 2009, c. 49, s. 43.

**18.** A wildlife protection officer is responsible for the custody of property he has seized or which has been delivered to him by a wildlife protection assistant until a judge declares it confiscated or orders it returned to its owner. In addition, the wildlife protection officer is entrusted with the custody of the things seized and submitted in evidence, unless the judge to whom they were submitted in evidence decides otherwise.

However, in the case of a resident, the wildlife protection officer who seizes a vehicle, aircraft, boat or a live animal, fish or a dog may, after making, if necessary, the appropriate appraisal, place it in the custody of the offender.

The offender must accept custody of the seized property until a judge has declared it confiscated or has ordered it returned to its owner. In no case may the offender remove, deteriorate or alienate the property, on pain of a fine equivalent to the value of the seized property.

Where possession of an animal, fish or pelt or of a specimen of a plant species referred to in section 13.1 is prohibited under the provisions of the Acts or regulations under which the seizure was made, the person from whom the animal, fish, pelt or specimen was seized may abandon it to the State.

1983, c. 39, s. 18; 1986, c. 109, s. 6; 1992, c. 61, s. 226; 1996, c. 18, s. 3; 1996, c. 62, s. 48; 2000, c. 48, s. 4, s. 36; 2009, c. 49, s. 43.

**18.1.** Where the property seized is perishable or likely to depreciate rapidly, the wildlife protection 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 wildlife protection officer shall, at the request of the person who is entitled thereto, pay to him the indemnity determined in accordance with the regulations as replacement of the property.

1992, c. 15, s. 3; 2000, c. 48, s. 36; 2009, c. 49, s. 43.

**19.** A wildlife protection officer shall, on request of the person having a right therein, return to that person property seized by him or which has been delivered to him by a wildlife protection assistant if no charge is laid in respect of the property within 120 days of the date of seizure.

The justice of the peace may, however, order the period of seizure extended by not over 90 days.

1983, c. 39, s. 19; 1986, c. 109, s. 7; 1988, c. 39, s. 3; 1996, c. 62, s. 48; 2000, c. 48, s. 36; 2009, c. 49, s. 43.

**20.** Property seized by a wildlife protection officer or wildlife protection assistant, the owner of which is unknown, is confiscated 60 days from the date of seizure, and is disposed of in the manner prescribed by regulation.

1983, c. 39, s. 20; 1996, c. 62, s. 48; 2000, c. 48, s. 36; 2009, c. 49, s. 43.

**21.** The owner of seized property, if he is not the offender, may claim the ownership thereof during penal proceedings and thereafter until final judgment, by presenting to the judge a motion alleging the nature of his right in the property seized and proving his title of ownership.

The judge to whom the motion is referred may, on the conditions he determines, order the property returned to the claimant.

1983, c. 39, s. 21.

**22.** No person except a wildlife protection officer, a wildlife protection assistant or an area warden may wear or use a uniform or badge identifying him as such, nor use a vehicle with distinctive markings identifying it as a work vehicle used by a wildlife protection officer, wildlife protection assistant or area warden.

The first paragraph does not apply to a person authorized by the Minister to wear or use a uniform, badge or vehicle described therein.

1983, c. 39, s. 22; 1996, c. 62, s. 12; 1999, c. 36, s. 47; 2000, c. 48, s. 36; 2004, c. 11, s. 37; 2009, c. 49, s. 43.

**23.** A wildlife protection officer, an officer contemplated in section 3 or a wildlife protection assistant under the supervision of the wildlife protection officer or other officer may, in the discharge of his duties,

(1) kill a dog found running at large in a place where big game is habitually found; or

(2) kill or capture any animal that is seriously injured, diseased or noxious or that may endanger the life or safety of people.

An officer or wildlife protection assistant who captures or kills an animal in accordance with the first paragraph must declare the fact to a wildlife protection officer forthwith and, if he so requires, deliver it to him for the purpose of confiscation.

1983, c. 39, s. 23; 1996, c. 62, s. 13; 2000, c. 48, s. 36; 2009, c. 49, s. 43.

**24.** A wildlife protection officer or other officer referred to in section 3 is justified in performing or omitting to perform an act that would constitute an offence under the Acts and regulations referred to in paragraphs 1, 5, 6 and 7 of section 5 as regards species of wildlife, or in paragraph 9 of that section, provided

the officer is acting within his investigative or control functions and in compliance with the conditions determined by the Minister. Such an officer is not liable to any penalty imposed by those laws on offenders.

1983, c. 39, s. 24; 1984, c. 47, s. 41; 1988, c. 39, s. 4; 1992, c. 15, s. 4; 1999, c. 36, s. 48; 2000, c. 48, s. 5; 2004, c. 11, s. 37.

**24.0.1.** A personnel member or position holder of the Ministère des Ressources naturelles et de la Faune may, in exercising his functions and for research, study, analysis, inventory or appraisal purposes, disregard section 26, 27, 28, 30.2, 30.3, 32, 34, 49, 50, 56, 57, 71 or 128.6 of this Act insofar as he is complying with the conditions determined by the Minister. A member or holder complying with those conditions is not liable to any penalty imposed by this Act on persons committing an offence under those sections.

2000, c. 48, s. 5; 2004, c. 11, s. 5; 2006, c. 3, s. 35.

## CHAPTER II.1

### PROVISIONS SPECIFIC TO NATIVE COMMUNITIES

1997, c. 56, s. 2.

**24.1.** The Government is authorized, to better reconcile wildlife conservation and management requirements with the activities pursued by Native people for food, ritual or social purposes, or to further facilitate wildlife resource development and management by Native people, to enter into agreements with any Native community represented by its band council in respect of any matter to which Chapter III, IV or VI applies.

The provisions of the agreements shall prevail over the provisions of this Act or the regulations. However, a community, undertaking or person to whom or which an agreement applies shall be exempted from the application of irreconcilable provisions of this Act and the regulations only insofar as the community, undertaking or person abides by the terms of the agreement.

The agreements entered into under this section shall be tabled before the National Assembly within 15 days of the date on which they are signed if the Assembly is in session, or, if it is not sitting, within 15 days of resumption. They shall also be published in the *Gazette officielle du Québec*.

1997, c. 56, s. 2.

**24.2.** The Government is also authorized, to better reconcile wildlife conservation and management requirements with the activities pursued by Native people for food, ritual or social purposes, to provide, by regulation, adaptations to the provisions of the regulations under Chapters III, IV and VI.

The regulatory provisions made pursuant to the first paragraph shall, if necessary, identify the Native communities and the territories or zones to which they apply. In addition, they may determine, from among the penal and administrative sanctions provided for in Chapters VII and VII.1, those which will apply in case of contravention.

Any draft regulation under this section shall be published in the *Gazette officielle du Québec* with a notice stating that the regulation may be made by the Government, with or without amendment, on the expiry of 60 days from publication. In addition, the draft regulation must, within the same time limit, be submitted to the Native communities concerned for their advice.

1997, c. 56, s. 2.

## CHAPTER III

### CONDITIONS OF HARVESTING WILDLIFE

#### DIVISION I

##### GENERAL PROVISIONS

**25.** Every animal hunted, trapped or acquired, every fish caught or acquired, and every pelt acquired that is found in the possession of a person is presumed to have been hunted, trapped, caught or acquired, as the case may be, in Québec, unless he proves otherwise.

1983, c. 39, s. 25.

**26.** No person may disturb, destroy or damage a beaver dam or the eggs, nest or den of an animal.

A person or anyone lending him assistance may derogate from the prohibition under the first paragraph if he cannot prevent an animal from causing damage to his property or to property under his care or maintenance.

The Minister, on the conditions the Minister determines, may authorize a person to derogate from the first paragraph.

1983, c. 39, s. 26; 1988, c. 24, s. 2; 1999, c. 36, s. 49; 2004, c. 11, s. 37, s. 38.

**26.1.** Notwithstanding section 26, the holder of a trapping licence may, during the period and on the conditions determined by regulation of the Minister, damage a beaver dam to ascertain the presence of beavers or to set a trap.

Moreover, the holder of a trapping licence may, during the period and on the conditions determined by regulation of the Minister, open a muskrat den to set a trap.

1988, c. 24, s. 2; 1998, c. 29, s. 1; 1999, c. 36, s. 50; 2004, c. 11, s. 37.

**27.** No person may pursue, mutilate or deliberately kill an animal with a vehicle, aircraft or motor-boat.

1983, c. 39, s. 27.

**28.** No person may hunt or disturb big game while it is in its yard, except as provided by regulation.

1983, c. 39, s. 28.

**29.** The Government may, by regulation, authorize

(1) the training of an animal or a dog in places where an animal or an animal of a class of animals determined by regulation is habitually found;

(2) the training of an animal or a dog by using an animal;

(3) a field trial for testing the hunting skills of an animal or a dog in places where an animal or an animal of a class of animals determined by regulation is habitually found;

(4) a field trial for testing the hunting skills of an animal or a dog by using another animal.

The Government may also determine, by regulation, the animals or classes of animals and fix the conditions, places and periods for practising the activities contemplated in the first paragraph.

1983, c. 39, s. 29.

**30.** No person may hunt or trap an animal determined by regulation or attempt to do so with an object, an animal, a domestic animal or a dog other than those determined by regulation.

1983, c. 39, s. 30.

**30.1.** No person may hunt big game at night with a spotlight.

Any person in possession of a spotlight and a firearm or crossbow or bow at night in a place frequented by big game shall, in the absence of any evidence to the contrary, be presumed to be in possession of the spotlight and firearm, crossbow or bow in order to hunt.

For the purposes of the presumption provided in the second paragraph, night is the period extending from one hour and a half after sunset to one hour and a half before sunrise.

1986, c. 109, s. 8; 1999, c. 40, s. 85.

**30.2.** No person may use a spotlight at night to detect the presence of an animal in a place frequented by big game.

1986, c. 109, s. 8.

**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 authorized by law to be in possession of a firearm by reason of his office or duties.

1992, c. 15, s. 5.

**30.4.** No person may use a firearm, crossbow or bow to shoot or attempt to shoot at a representation of an animal or part of an animal installed by a wildlife protection officer for the purpose of enforcing this Act.

2009, c. 49, s. 6.

**31.** No person may use a device connecting a firearm, bow or crossbow to a mechanism that may cause the firearm, bow or crossbow to discharge or shoot without the person operating it himself.

1983, c. 39, s. 31.

**32.** No person may use poison, explosives, deleterious substances or electrical discharges to hunt or trap animals.

1983, c. 39, s. 32.

**33.** No person may hunt while he is under the influence of an alcoholic beverage within the meaning of the Act respecting offences relating to alcoholic beverages (chapter I-8.1).

1983, c. 39, s. 33.

**34.** No person may kill or capture more animals than the number prescribed by regulation.

1983, c. 39, s. 34.

**35.** Killing or capturing animals in accordance with section 24, 42, 43, 47, 67 or 68 does not constitute hunting or trapping.

1983, c. 39, s. 35; 1984, c. 47, s. 42.

**36.** No person may hunt, trap or fish on, or fish from, private land if it is owned by a party to a memorandum of agreement entered into with the Minister for the purposes of wildlife management and accessibility, without having first obtained the authorization of the owner or his representative.

The agreement must contain a description of the land that is subject to the application of the first paragraph.

The prohibition under the first paragraph also applies in the case of land under private ownership where the owner, including a municipality or a metropolitan community, is a party to an agreement with an association or a body whose object is to facilitate the access of hunters, fishers or trappers to private lands, and that is recognized to that effect by the Minister, for the purposes of wildlife accessibility, if the hunter, trapper or fisher has not first obtained the authorization of the owner or the owner's representative or of such an association or body.

1983, c. 39, s. 36; 1992, c. 15, s. 6; 1999, c. 36, s. 51; 2002, c. 82, s. 4; 2004, c. 11, s. 37.

**36.1.** No person may hunt or trap in a forest station erected under the Sustainable Forest Development Act (chapter A-18.1).

1986, c. 109, s. 9; 2001, c. 6, s. 141; 2010, c. 3, s. 282.

**37.** The Minister may, for purposes of wildlife management and accessibility, sign a memorandum of agreement with a land owner, including a municipality or a metropolitan community, a group of land owners or their representatives or with a body commissioned by land owners for that purpose.

The Minister may also, to facilitate wildlife accessibility, recognize an association or body whose object is to facilitate access to private lands for hunters, fishers or trappers, subject to such terms and conditions as the Minister may determine.

1983, c. 39, s. 37; 1992, c. 15, s. 7; 1996, c. 62, s. 14; 1999, c. 36, s. 52; 2000, c. 56, s. 218; 2002, c. 82, s. 5; 2004, c. 11, s. 37.

## DIVISION II

### CERTIFICATES AND CLASSES OF LICENCES

**38.** No person may hunt unless he holds a licence issued for such purpose.

1983, c. 39, s. 38.

**39.** No person may trap unless he holds a licence issued for such purpose.

1983, c. 39, s. 39.

**40.** To obtain certain hunting or trapping licences provided for by regulation, a person must first be the holder of the certificate provided for by regulation attesting that he has the skills necessary to engage in the activity concerned.

1983, c. 39, s. 40.

**41.** No person may fish with a line or with rod and line in a place determined by regulation unless he holds a licence issued for such purpose.

1983, c. 39, s. 41.

**42.** To keep an animal in captivity or to capture it with a view to keeping it in captivity and, where such is the case, to dispose thereof, a person must hold a licence issued for such purpose and comply with the norms, number and conditions prescribed by regulation.

However, the licence is not required for such animals and in such cases as are determined by regulation.

1983, c. 39, s. 42.

**43.** Notwithstanding any other provision of this Act or any regulation under it, any person may kill any animal or any animal of a class of animals kept in captivity in accordance with the first paragraph of section 42. He must, however, do so in accordance with the regulations.

1983, c. 39, s. 43.

**44.** The Minister may, where required by regulation, issue a licence for each of the activities contemplated in section 29.

1983, c. 39, s. 44; 1999, c. 36, s. 53; 2004, c. 11, s. 37.

**45.** Every person who engages in hunting or trapping must have his licence on his person. He must show it to any wildlife protection officer or wildlife protection assistant who requests it.

Any resident who declares that he forgot his licence shall, within seven days thereafter, produce it to a wildlife protection officer.

1983, c. 39, s. 45; 1986, c. 109, s. 10; 1996, c. 62, s. 48; 2000, c. 48, s. 36; 2009, c. 49, s. 43.

### *Not in force*

**46.** No person may export an animal unless he holds a licence issued for that purpose.

1983, c. 39, s. 46.

**47.** The Minister may, for scientific, educational or wildlife management purposes, issue a licence authorizing a person to disregard a provision of section 26, 27, 28, 30, 30.1, 30.2, 32, 34, 42, 57, 60 or 67, of the first paragraph of section 56 or of the regulations under that section or of any of paragraphs 1 to 5 of section 73, or a provision of the first paragraph of section 128.6.

The Minister may also, for food purposes, issue a licence authorizing a person to disregard a provision of section 34, 38, 39 or 41 or of the regulations made pursuant to any of subparagraphs 1, 2 and 3 of the third paragraph of section 56.

The holder of the licence must comply with the conditions specified by the Minister on the licence.

1983, c. 39, s. 47; 1986, c. 109, s. 11; 1997, c. 95, s. 2; 1998, c. 29, s. 2; 1999, c. 36, s. 54; 2004, c. 11, s. 6; 2009, c. 49, s. 7.

**48.** No person may operate a breeding pond or a fish-tank for baitfish unless he holds a licence issued for that purpose.

1983, c. 39, s. 48; 1998, c. 29, s. 3.

**49.** Except in the cases prescribed by regulation, no person may transport or use for stocking purposes fish or classes of live fish except those intended for commercial consumption, unless he holds a licence issued for that purpose.

1983, c. 39, s. 49; 1998, c. 29, s. 4; 2000, c. 48, s. 6.

**50.** No person may extract eggs from fish living in their natural environment for breeding or restocking purposes unless he holds a licence issued for that purpose.

1983, c. 39, s. 50.

**51.** No person may obtain an aquaculture licence, a fishing pond licence or an authorization for research and experimentation purposes under the Act respecting commercial aquaculture (chapter A-20.2), if the application for a licence or an authorization does not comply with the regulations made under paragraphs 1 and 4 of section 73.

The first paragraph does not apply to a person authorized by the Minister under section 47 to disregard a provision of a regulation made under paragraph 1 or 4 of section 73.

1983, c. 39, s. 51; 1998, c. 29, s. 5; 2003, c. 23, s. 67; 2004, c. 11, s. 37.

**52.** No person may, unless he holds a licence issued for such purpose, carry on an outfitting operation, within the meaning of this Act and section 42 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1), except in the cases prescribed by regulation.

1983, c. 39, s. 52; 1987, c. 12, s. 48; 2000, c. 48, s. 7; 2000, c. 10, s. 25.

**53.** No person may, unless he holds a licence issued for such purpose, sell, trade in or dress undressed pelts from an animal that has been hunted or trapped or serve as an intermediary for the sale or trade of such pelts in exchange for any benefit.

No licence is required of a resident, however, if the pelts are a product of his own hunting or trapping activities.

1983, c. 39, s. 53; 1998, c. 29, s. 6.

**54.** The Minister, or the person the Minister authorizes, shall issue a certificate or licence to every person who fulfils the conditions and pays the fees prescribed by regulation. However, the Minister or the person the Minister authorizes may refuse to issue a transportation, stocking or outfitting licence in the public interest, particularly in the interest of wildlife conservation or management.

Notwithstanding the foregoing, a hunting or trapping licence shall be issued, in the cases prescribed by regulation, only upon payment of a contribution, in the amount determined by regulation of the Minister, toward the funding of the Fondation de la faune du Québec.

The Minister may grant compensation to a person authorized to issue certificates or licences for the collection and remittance of fees prescribed by regulation. The Minister may also pay the expenses relating to the development and operation of the certificate and licence issuing system out of the fees collected. The total amount of such compensation and payment must not exceed 10% of the fees collected and it is payable out of those fees.

The percentage referred to in the third paragraph may be modified by the Government on the terms and conditions it determines.

1983, c. 39, s. 54; 1987, c. 31, s. 1; 1988, c. 39, s. 5; 1996, c. 62, s. 15; 1999, c. 36, s. 55; 2000, c. 48, s. 8; 2004, c. 11, s. 7; 2009, c. 49, s. 8.

**54.1.** The Minister may authorize a person, association or body to hold a draw for trapping licences or leases of exclusive trapping rights. The authorization may provide that all or some of the fees collected for the draw devolve upon the holder of the authorization.

1992, c. 15, s. 8; 1996, c. 18, s. 5; 1998, c. 29, s. 7; 1999, c. 36, s. 56; 2000, c. 48, s. 9; 2004, c. 11, s. 37; 2009, c. 49, s. 9.

**55.** No person may use a certificate or licence issued to another person.

The Government may, however, determine by regulation the conditions on which a person determined by regulation may use a licence issued to another person.

1983, c. 39, s. 55.

### DIVISION III

#### HUNTING AND TRAPPING

**56.** The hunting and trapping of animals is prohibited.

However, the Minister may, by regulation, allow the hunting and trapping of any animal or any animal of a class of animals determined by the Minister.

The regulations may also determine,

- (1) on the basis of sex or age, what animal or animal of a class of animals may be hunted;
- (2) the period of the year, day or night during which the animal may be hunted or trapped;
- (3) the area, territory or place in which the animal may be hunted or trapped; and
- (4) the types of arms or traps which may be used;
- (5) *(subparagraph repealed)*.

The Minister may also, by regulation,

(1) determine the means and their specifications, and the animals, including domestic animals and dogs, with which hunting, trapping or capturing an animal the Minister indicates is permitted;

(2) determine the maximum number of animals that may be killed or captured by a person or group of persons during a period and in an area, territory or place the Minister indicates.

1983, c. 39, s. 56; 1998, c. 29, s. 8; 1999, c. 36, s. 57; 2004, c. 11, s. 8.

**56.1.** The Minister may, on the conditions determined by the Minister, authorize a person, partnership or association to register animals or fish. The authorization may provide that all or some of the fees collected for the registration devolve upon the holder of the authorization.

1996, c. 18, s. 6; 1998, c. 29, s. 9; 1999, c. 36, s. 58; 2004, c. 11, s. 37.

**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,

(1) have in his possession an armed crossbow or a firearm having an unfired cartridge in the chamber, charger or magazine if the latter is attached to the firearm or, in the case of a muzzle-loading firearm, having powder and a projectile in the chamber and a cap in the barrel sleeve or powder in the pan;

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

(3) be in possession of an unloaded firearm, bow or unarmed crossbow at night, unless it is in a closed case or placed in the trunk of the vehicle or the hold of the aircraft.

The first paragraph does not apply to a person who is authorized by law to be in possession of a firearm by reason of his office or duties.

1983, c. 39, s. 57; 1986, c. 109, s. 12; 1992, c. 15, s. 9.

**58.** The Minister may, on the conditions the Minister determines, authorize a handicapped person within the meaning of section 1 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1) who has a physical deficiency that



prevents the person from hunting in accordance with this Act, to disregard subparagraph 1 or 2 of the first paragraph of section 57 or any provision of a regulation made under subparagraph 4 of the third paragraph of section 56.

An application for such an authorization must be made in writing and contain a certificate of a member of the Ordre professionnel des médecins du Québec, the Ordre professionnel des ergothérapeutes du Québec or the Ordre professionnel des physiothérapeutes du Québec attesting the physical deficiency, specifying its nature and indicating how the deficiency prevents the handicapped person from hunting in accordance with this Act.

In authorizing a handicapped person under this section, the Minister shall take into account the guide drawn up after consultation with the Office des personnes handicapées du Québec.

1983, c. 39, s. 58; 1996, c. 62, s. 16; 1999, c. 36, s. 59; 2000, c. 48, s. 10; 2004, c. 11, s. 37, s. 38; 2004, c. 31, s. 71.

**59.** No person may abandon the edible flesh of a big game animal he has killed while hunting, except bear's flesh.

1983, c. 39, s. 59; 1984, c. 47, s. 44.

**60.** No person may capture, kill or attempt to capture or kill any big game animal, except a bear, by the use of a device designed to restrain such an animal.

1983, c. 39, s. 60.

**61.** No person owning or harbouring a dog may allow it to run at large in any place where big game is habitually found.

1983, c. 39, s. 61.

## **DIVISION IV**

### **FISHING MANAGEMENT PLAN**

**62.** Every year, the Minister shall establish a fishing management plan.

The purpose of a plan is to optimize the social and economic benefits related to wildlife harvesting while ensuring the conservation of animal species.

1983, c. 39, s. 62.

**63.** A plan must determine the apportionment of halieutic resources according to the following order of priorities:

- (1) the reproductive stock;
- (2) fishing for food purposes;
- (3) sport fishing;
- (4) commercial fishing.

1983, c. 39, s. 63.

**64.** A plan must determine the following factors:

- (1) the stretches of water where each kind of fishing listed in section 63 may be done;

- (2) the species that may be fished;
- (3) the authorized harvest for each species;

(4) the conditions governing fishing, namely, the open seasons, the sites and the nature, size and number of fishing implements.

1983, c. 39, s. 64.

**65.** A plan is subject to approval by the Government, which may amend it.

1983, c. 39, s. 65.

**66.** The fishing management plan and the limits thereunder must be taken into account in the devising of the program to promote the development of commercial fisheries and the commerce of aquatic products contemplated in section 1 of the Act respecting commercial fishing and commercial harvesting of aquatic plants (chapter P-9.01).

1983, c. 39, s. 66; 2003, c. 23, s. 77.

## **DIVISION V**

### **CAPTURE, KEEPING AND SALE OF ANIMALS, FISH AND PELTS**

**67.** No person nor anyone lending him assistance may kill or capture an animal attacking him or causing damage to his property or property under his care or maintenance unless he is unable to frighten the animal away or prevent it from causing damage.

No person may kill or capture an animal that causes damage to property or must be moved in the public interest, except on the conditions determined by regulation of the Minister.

1983, c. 39, s. 67; 1988, c. 24, s. 3; 2009, c. 49, s. 10.

**68.** In the cases described in section 67 or where an animal has been found or accidentally killed or captured, a person shall, without delay,

(1) if it is unharmed and alive, set it free or dispose of it according to the conditions determined by regulation of the Minister;

(2) if it is wounded or dead, declare the fact to a wildlife protection officer and, if he requires, deliver it to him so he may confiscate it.

1983, c. 39, s. 68; 1988, c. 24, s. 4; 2000, c. 48, s. 36; 2009, c. 49, s. 11.

**69.** No person may sell or purchase an animal the sale of which is prohibited by regulation.

However, the Government may, by regulation, authorize the sale of an animal referred to in the first paragraph according to such norms and conditions as the Government may determine.

1983, c. 39, s. 69; 1996, c. 18, s. 7; 2000, c. 48, s. 11.

**70.** No person may sell or purchase fish the sale of which is prohibited by regulation.

Notwithstanding the first paragraph, the Government may, by regulation, authorize the sale of any class of fish of a species contemplated in the first paragraph according to such norms and conditions as it may determine.

The sale so authorized must also comply with the norms and conditions prescribed in the Food Products Act (chapter P-29).

1983, c. 39, s. 70; 2000, c. 26, s. 68; 2000, c. 48, s. 12.

**70.1.** Notwithstanding sections 69 and 70, the Minister may, in the cases and on the conditions determined by regulation of the Government, issue a permit authorizing the sale or purchase of fish or animal flesh for consumption on the premises by the persons who take part in a special activity described in the permit.

The holder of the permit shall comply with the conditions prescribed therein.

1986, c. 109, s. 13; 1999, c. 36, s. 60; 2004, c. 11, s. 37.

**71.** No person may have in his possession

- (1) any animal that has been hunted, obtained, sold, purchased or trapped,
- (2) any fish that has been caught, obtained, sold or purchased, or
- (3) any pelt that has been obtained, sold or purchased,

in contravention of any provision of section 27, 28, 30, 30.1, 31, 32, 34, 38, 39, 41, 42, 60, 67, 68, the first paragraph of section 56, 69 or 70, subparagraph 2 of the first paragraph of section 57 or a regulation made under section 56.

1983, c. 39, s. 71; 1984, c. 47, s. 46; 1986, c. 109, s. 14; 1996, c. 18, s. 8; 1998, c. 29, s. 10; 2009, c. 49, s. 12.

**72.** Every person who transports or is in possession of an animal, fish or undressed pelt shall, at the request of a wildlife protection officer or wildlife protection assistant, identify himself and indicate the origin of the animal, fish or pelt.

1983, c. 39, s. 72; 1986, c. 109, s. 15; 1996, c. 62, s. 48; 2000, c. 48, s. 36; 2009, c. 49, s. 43.

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

- (1) determine the fish or classes of live fish that may be produced, used for stocking purposes, kept in captivity, propagated or transported in an aquaculture area;
- (2) determine the fish or classes of live fish that may be kept in captivity, produced or propagated in a breeding pond or a fish-tank for baitfish and the norms and obligations relating to such activities;
- (3) determine the norms and obligations relating to the transport and use for stocking purposes of fish or classes of live fish, except those intended for commercial consumption;
- (4) determine territories where the operation of fishing ponds, breeding ponds, fish-tanks for baitfish or aquaculture sites may be prohibited or restricted for wildlife conservation purposes and, for such purposes, fix special norms relating to the construction, layout and equipment thereof;
- (5) establish norms relating to the construction, layout and equipment of a breeding pond or a fish-tank for baitfish;
- (6) prescribe the books, accounts and registers which the holder of a licence to operate a breeding pond or a fish-tank for baitfish shall keep, the reports he shall furnish to the Minister and the documents or forms he shall use in carrying on his activities;
- (7) make provisions respecting contagious or parasitic diseases for the purposes of sections 74 and 75.

1983, c. 39, s. 73; 1998, c. 29, s. 11; 1999, c. 36, s. 61; 2000, c. 48, s. 13; 2004, c. 11, s. 37; 2003, c. 23, s. 68.

**73.1.** The Minister may establish a fish-stocking plan for a territory governed by Chapter IV, in conjunction with a lessee of exclusive fishing rights, an agency that is party to a memorandum of agreement, a Native community that is party to an agreement referred to in section 24.1, an agency or body that is party to a contract referred to in section 109, 118, 120, 126 or 127, or the Société.

Despite any regulation made under paragraph 1 or 3 of section 73, such a plan may contain different restrictions regarding fish that may be stocked.

A fish-stocking plan established by the Minister is published on the Internet site of the department or by any other means. It comes into force on the date of its publication or on any later date specified in the plan.

2009, c. 49, s. 13.

**74.** The Minister may order the inspection at any reasonable time, of a fishing pond, a breeding pond, a fish-tank for baitfish or an aquaculture site.

The person in charge of the inspection shall, on request, identify himself and produce a certificate of his capacity signed by the Minister.

1983, c. 39, s. 74; 1986, c. 95, s. 113; 1999, c. 36, s. 62; 2004, c. 11, s. 37; 2003, c. 23, s. 69.

**75.** The holder of a licence to operate a place mentioned in section 74 shall, at his own expense, cause any treatment required by the Minister for the contagious or parasitic diseases determined by regulation to be administered within the time fixed by the Minister; he shall also quarantine or destroy his fish if the Minister requires.

A licence holder to whom such an order is notified without prior notice because, in the opinion of the Minister, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister.

1983, c. 39, s. 75; 1997, c. 43, s. 208; 1999, c. 36, s. 63; 2004, c. 11, s. 37.

**76.** Where a person refuses to take a measure required by the Minister within the prescribed time, the Minister may cause it to be taken at the expense of the offender.

1983, c. 39, s. 76; 1999, c. 36, s. 64; 2004, c. 11, s. 37.

**77.** The Minister may establish, develop and administer an establishment for the keeping of animals or fish, in particular for research purposes.

1983, c. 39, s. 77.

**78.** The Minister may, for the purposes of section 77,

(1) determine the conditions for the capture, keeping in captivity, acquisition, sale or exchange of animals or fish;

(2) determine the conditions of admission and visiting hours;

(3) make, with a zoological society, a body or a person, an agreement entrusting the society, body or person with the management of an establishment, or an agreement to promote the development of that establishment.

1983, c. 39, s. 78; 1999, c. 36, s. 65; 2004, c. 11, s. 9.

## DIVISION V.1

### OUTFITTING OPERATIONS

2000, c. 48, s. 14.

**78.1.** In this division, “outfitting operation” means an undertaking which, in return for payment, provides lodging and services or equipment for the practice of hunting, fishing or trapping activities for recreational purposes.

1983, c. 39, s. 98; 2000, c. 48, s. 14.

**78.2.** No person holding an outfitter’s licence may provide services related to his outfitting operation, other than transportation service, outside the territory identified in his licence.

1983, c. 39, s. 99; 2000, c. 48, s. 14.

**78.3.** *(Repealed).*

1983, c. 39, s. 100; 1987, c. 12, s. 49; 1994, c. 16, s. 13; 2000, c. 48, s. 14; 2000, c. 10, s. 22; 2009, c. 22, s. 17.

**78.4.** *(Repealed).*

1983, c. 39, s. 101; 2000, c. 48, s. 14; 2009, c. 22, s. 17.

**78.5.** No person may, to designate any immovable, enterprise or agency, use the expression “hunting outfitter”, “fishing outfitter”, or “hunting or fishing outfitting operations” or any other expression that includes those terms or any expression which may lead to the belief that an outfitter or a hunting or fishing outfitting operation is referred to, unless the person holds an outfitter’s licence issued under this Act or the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1), is an agency comprised exclusively of the holders of such outfitter’s licences, or has obtained written authorization of the Minister.

1988, c. 39, s. 9; 2000, c. 48, s. 14.

**78.6.** The Minister may, by regulation, determine

- (1) *(paragraph repealed);*
- (2) *(paragraph repealed);*
- (3) *(paragraph repealed);*
- (4) the standards respecting the quality of services for each class of outfitter’s licence;
- (5) the standards relating to the protection of the users of the services of an outfitting operation;
- (6) the cases where an outfitter’s licence is not required to operate an outfitting operation;

(7) the reports that the holder of an outfitter’s licence must forward to the Minister as well as their form and content.

1983, c. 39, s. 102; 1999, c. 36, s. 83; 2000, c. 48, s. 14; 2004, c. 11, s. 37; 2009, c. 49, s. 14.

**78.7.** The Government may, by regulation, designate persons to see to the enforcement of the provisions of this Act and the regulations thereunder relating to the operation of an outfitting operation.

The Government may also, by regulation, determine the powers, duties and functions of such persons.

1983, c. 39, s. 103; 2000, c. 48, s. 14; 2009, c. 49, s. 15.

## **DIVISION VI**

### **INDEMNITIES**

**79.** The Minister shall grant an indemnity, the amount of which shall be determined by regulation, to every holder of a hunting or trapping licence who sustains an injury in consequence of an accident resulting directly from hunting or trapping for recreational purposes in Québec, or, if he dies in consequence of such an accident, to his successors, but the amount of the indemnity shall not exceed \$5,000 in respect of the same accident.

1983, c. 39, s. 79; 1996, c. 62, s. 17; 1999, c. 36, s. 66; 2004, c. 11, s. 37.

**80.** The Minister shall be *ipso facto* subrogated in the right of recovery of any person who receives an indemnity contemplated in section 79 following injury to or the death of a holder of a hunting or trapping licence caused by the fault of a third party, up to the amount of the indemnity; the Minister is not bound by a settlement or discontinuance unless the Minister participates therein.

1983, c. 39, s. 80; 1999, c. 36, s. 67; 2004, c. 11, s. 37, s. 38.

**81.** The Minister shall pay the damages for which a hunter or trapper is liable to third parties in consequence of an accident resulting directly from hunting or trapping for recreational purposes in Québec, but the amount paid by the Minister shall not exceed \$10,000 in addition to interest and the costs respecting such sum.

Notwithstanding any provision of an insurance contract, the Minister is bound to contribute to the payment of the damages for which the hunter or trapper is liable only to the extent to which they exceed the obligation of an insurer under a liability insurance policy covering the same injury.

1983, c. 39, s. 81; 1992, c. 15, s. 10; 1996, c. 62, s. 18; 1999, c. 36, s. 68; 2004, c. 11, s. 37.

**82.** A hunter or trapper contemplated in section 81 must give notice in writing forthwith to the Minister of every claim made or civil suit instituted against him. Failing such a notice or one given by any person able to benefit from section 81, the Minister is not bound to pay the damages provided for in the said section.

1983, c. 39, s. 82; 1992, c. 15, s. 11; 1999, c. 36, s. 69; 2004, c. 11, s. 37.

**83.** The Government may make regulations for the carrying out of this division and especially to

- (1) determine the form and content of applications for indemnities and accident reports;
- (2) prescribe the time for making an accident report or claim, or for instituting a suit for the carrying out of section 79 or 81;
- (3) determine the nature of the accidents contemplated by this division;
- (4) specify what hunting or trapping for recreational purposes includes;
- (5) determine the conditions which a licensee or, as the case may be, his successors must fulfil to benefit from this division;
- (6) determine the medical examinations which may be required before granting an indemnity under section 79;

(7) fix an amount deductible from the damages for the injury sustained for the purposes of the application of the first paragraph of section 81;

(8) determine the additional cost of a licence which each applicant must pay to benefit from this division.

Such regulations shall be published in the *Gazette officielle du Québec*.

1983, c. 39, s. 83; 1996, c. 62, s. 19.

**84.** Indemnities paid for the carrying out of this division shall be taken out of the Consolidated Revenue Fund.

1983, c. 39, s. 84.

## DIVISION VII

### TERRITORIES DELIMITED FOR WILDLIFE HARVESTING

1998, c. 29, s. 12.

**84.1.** The Minister may divide Québec into hunting areas, fishing areas or trapping areas, and delimit the areas.

The Minister may also delimit a territory for the purposes of subparagraph 3 of the third paragraph of section 56, subparagraph 2 of the fourth paragraph of section 56, paragraph 18 of section 162 or subparagraph 2 of the first paragraph of section 163.

1998, c. 29, s. 12; 1999, c. 36, s. 70; 2004, c. 11, s. 37; 2009, c. 49, s. 16.

**84.2.** The Minister may, after consultation with the Minister of Agriculture, Fisheries and Food, divide Québec into aquaculture areas and delimit the areas.

1998, c. 29, s. 12; 2003, c. 23, s. 70.

**84.3.** An order made by the Minister under section 84.1 or 84.2 shall be published in the *Gazette officielle du Québec*, together with a plan of the area or territory delimited, and comes into force on the date of its publication or on any later date indicated therein.

1998, c. 29, s. 12; 1999, c. 36, s. 71; 2004, c. 11, s. 10.

## CHAPTER IV

### CONTROLLED TERRITORIES

#### DIVISION I

##### LANDS IN THE DOMAIN OF THE STATE DESIGNATED FOR INCREASED UTILIZATION OF WILDLIFE RESOURCES

1987, c. 23, s. 76; 1999, c. 40, s. 85.

**85.** The Minister may delimit areas on land in the domain of the State with a view to increased utilization of wildlife resources and the carrying on of recreational activities incidental thereto.

An order made by the Minister under this section shall be published in the *Gazette officielle du Québec*, together with the plan of the areas of land delimited, and comes into force on the date of its publication or on any later date indicated therein.

1983, c. 39, s. 85; 1986, c. 109, s. 16; 1987, c. 23, s. 76; 1998, c. 29, s. 13; 1999, c. 40, s. 85; 2000, c. 48, s. 15; 2003, c. 8, s. 6; 2004, c. 11, s. 11.

**86.** The Minister may lease exclusive hunting, fishing or trapping rights on all or part of the lands in the domain of the State contemplated in section 85.

The Minister may also lease exclusive trapping rights in a controlled zone or in a wildlife sanctuary.

1983, c. 39, s. 86; 1986, c. 109, s. 17; 1987, c. 23, s. 76; 1988, c. 39, s. 41; 1999, c. 40, s. 85; 1999, c. 36, s. 72; 2004, c. 11, s. 37.

**86.1.** Notwithstanding any general law or special Act and subject to the right of first refusal of the Native people provided for in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1), a lease of exclusive hunting or fishing rights shall be granted, after a call for tenders, to the tenderer whose bid is the most advantageous. However, the Minister is not required to lease exclusive rights if the Minister is of the opinion that the most advantageous bid is inadequate.

A lease of exclusive rights is not subject to a call for tenders if the lease is

- (1) a lease for a renewal;
- (2) a lease for a transfer;
- (3) a lease for an extension of rights;
- (4) a lease for the expansion of territory;

(5) a lease of exclusive fishing rights that does not cover outfitting activities or that covers a body of water less than 20 hectares in area.

1986, c. 109, s. 18; 1988, c. 39, s. 6; 1996, c. 62, s. 20; 1999, c. 36, s. 73; 2004, c. 11, s. 37, s. 38.

**86.2.** Where a part of the lands in the domain of the State is contemplated in an outfitter's licence although the licence holder does not hold a lease of exclusive hunting or fishing rights and where that part of the lands in the domain of the State is subsequently delimited in accordance with section 85, the Minister shall

- (1) revoke the licence if a lease of exclusive rights is granted to a person other than the licence holder;
- (2) amend the licence if the designation of the lands in the domain of the State affects only part of the territory contemplated in the licence.

The provisions of this division in respect of the acquisition of buildings and structures situated on the territory identified in the lease apply, adapted as required.

1988, c. 39, s. 7; 1998, c. 29, s. 14; 1999, c. 40, s. 85; 1999, c. 36, s. 74; 2004, c. 11, s. 37.

**87.** (*Repealed*).

1983, c. 39, s. 87; 1986, c. 108, s. 255; 1987, c. 23, s. 76; 1987, c. 64, s. 344; 1999, c. 40, s. 85; 1999, c. 36, s. 75; 2004, c. 11, s. 12.

**88.** The lessee of exclusive hunting, fishing or trapping rights may, in view of the increased utilization of wildlife resources, erect buildings and structures on the land assigned to him without being required to comply with the provisions of the Act respecting the lands in the domain of the State (chapter T-8.1) concerning leases or occupation licences for land in the domain of the State.



The lessee has a right of occupation on the land where the buildings and structures are erected, for the term of the lease.

1983, c. 39, s. 88; 1987, c. 23, s. 76, s. 97; 1999, c. 40, s. 85.

**89.** Where the Minister repeals, amends or replaces the instrument delimiting areas of land in the domain of the State, the Minister must revoke or amend the lease of exclusive hunting, fishing or trapping rights for the territory contemplated by the repeal, amendment or replacement.

1983, c. 39, s. 89; 1987, c. 23, s. 76; 1988, c. 39, s. 8; 1996, c. 62, s. 21; 1998, c. 29, s. 15; 1999, c. 40, s. 85; 1999, c. 36, s. 76; 2004, c. 11, s. 13.

**90.** The Minister may amend, revoke or refuse to renew a lease of exclusive hunting, fishing or trapping rights if

- (1) the lessee has failed to comply with the conditions of his lease;
- (2) the lease was obtained pursuant to a fraudulent declaration.

1983, c. 39, s. 90; 1996, c. 62, s. 22; 1999, c. 36, s. 77; 2004, c. 11, s. 37.

**91.** Upon the revocation of a lease under section 89 or the non-renewal of a lease by the Minister for reasons other than those provided in section 93, the Minister shall

(1) compensate the lessee, if no other lease has been granted elsewhere to the satisfaction of both parties, in consideration of, in particular, his loss of revenue derived from the exercise of his rights under the lease; and

(2) acquire the buildings and structures situated in the territory identified in the lease by paying to the lessee who owns them an amount equivalent to their real value or compensate the lessee in consideration of the decrease in value of the buildings and structures.

Upon the amendment of a lease under section 89, the Minister shall acquire the buildings and structures situated in the territory identified in the lease and affected by the amendment by paying to the lessee who owns them an amount equivalent to their real value or compensate the lessee in consideration of the decrease in value of the buildings and structures.

However, if the exclusive hunting, fishing or trapping rights under the lease not being renewed by the Minister for reasons other than those provided in section 93 are granted to a new lessee, the new lessee has an obligation to acquire the buildings and structures for an amount equivalent to their real value and in no case may he exercise his rights under the lease until he becomes their owner.

1983, c. 39, s. 91; 1996, c. 62, s. 23; 1999, c. 36, s. 78; 2004, c. 11, s. 37.

**92.** Upon the revocation or amendment of a lease under section 89, if the Minister compensates the lessee in consideration of the decrease in value of the buildings and structures, the lessee shall, within one year of the date of compensation, remove the buildings situated in the territory identified in the lease and affected by the revocation or amendment, or obtain from the Minister, the right to continue to occupy the land concerned under the Act respecting the lands in the domain of the State (chapter T-8.1).

1983, c. 39, s. 92; 1994, c. 13, s. 15; 1996, c. 62, s. 24; 1999, c. 36, s. 79; 2003, c. 8, s. 6; 2004, c. 11, s. 14.

**93.** Upon the revocation or non-renewal of a lease pursuant to section 90, or where the lessee has, before the expiry of his lease, indicated to the Minister his intention not to renew it, every new lessee has an obligation to acquire the buildings and structures situated in the territory described in the lease by paying to the owner of the buildings and structures an amount equivalent to their real value.

The lessee whose lease is revoked or not renewed retains his right of occupation only until a new lessee is designated or until the instrument delimiting the area of land in the domain of the State is repealed, amended or replaced so as to exclude the land where the buildings owned by him are situated.

No new lessee may exercise the rights conferred by his lease until he becomes the owner of the buildings and structures contemplated in the first paragraph.

1983, c. 39, s. 93; 1986, c. 109, s. 19; 1987, c. 23, s. 76; 1998, c. 29, s. 16; 1999, c. 40, s. 85; 1999, c. 36, s. 80; 2004, c. 11, s. 37; I.N. 2016-01-01 (NCCP).

**94.** If a difference of opinion arises between the new lessee and the former lessee or between the Minister and the former lessee on the real value of the buildings and structures contemplated in sections 91 and 93, the Minister shall appoint an assessor agreed by the parties; the assessment of the appointed assessor is without appeal.

The costs incurred for the assessment are assumed equally by both parties.

1983, c. 39, s. 94; 1999, c. 36, s. 81; 2004, c. 11, s. 37.

**95.** In the case of a lease where only exclusive trapping rights are granted, the provisions concerning the purchase of the buildings contemplated in subparagraph 2 of the first paragraph of section 91 and in section 93 do not apply if the real value of the buildings owned by the former lessee is higher than the maximum value determined by regulation and if the former lessee refuses to sell them for a price equivalent to that maximum value.

Where the Minister or the new lessee does not acquire the buildings, the lessee whose lease is revoked or not renewed shall, within one year of the date of revocation or non-renewal of the lease, demolish or remove them, failing which the Minister may cause them to be removed or demolished at the expense of the lessee.

1983, c. 39, s. 95; 1986, c. 109, s. 20; 1999, c. 36, s. 82; 2004, c. 11, s. 37.

**96.** No person may, except with the lessee's authorization, carry on an activity for which exclusive rights have been granted on any land on which exclusive hunting, fishing or trapping rights have been granted.

1983, c. 39, s. 96.

**97.** The Government may, by regulation, determine

- (1) classes of leases of exclusive hunting, fishing or trapping rights;
- (2) for each class of lease, the conditions for obtaining, transferring and renewing a lease, the term of a lease and the method of computing and conditions of payment of the annual rent for a lease;
- (3) the standards and conditions the lessee must observe regarding the construction and location of buildings and structures and the maximum value of such improvements or structures;
- (4) the types or categories of buildings and structures that are not subject to compensation or purchase under this division;
- (5) the criteria for fixing the amount of compensation payable under this division;
- (6) the territories in which exclusive hunting, fishing and trapping rights have been leased and, where the practice of and access to recreational activities are controlled, the control period and the obligations of the lessee;

(7) the conditions to be observed by a person who carries on, in the territories contemplated in paragraph 6, a recreational activity other than the activities for which exclusive rights have been leased or enters such territories for the purpose of carrying on such an activity.

1983, c. 39, s. 97.

## DIVISION II

*Division renumbered; see Division V.1 of Chapter III.*

### **98.** *(Section renumbered).*

1983, c. 39, s. 98; 2000, c. 48, s. 14.



*See section 78.1.*

### **99.** *(Section renumbered).*

1983, c. 39, s. 99; 2000, c. 48, s. 14.



*See section 78.2.*

### **100.** *(Section renumbered).*

1983, c. 39, s. 100; 1987, c. 12, s. 49; 1994, c. 16, s. 13; 2000, c. 48, s. 14.



*See section 78.3.*

### **101.** *(Section renumbered).*

1983, c. 39, s. 101; 2000, c. 48, s. 14.



*See section 78.4.*

### **101.1.** *(Section renumbered).*

1988, c. 39, s. 9; 2000, c. 48, s. 14.



*See section 78.5.*

### **102.** *(Section renumbered).*

1983, c. 39, s. 102; 1999, c. 36, s. 83; 2000, c. 48, s. 14.



*See section 78.6.*

### **103.** *(Section renumbered).*

1983, c. 39, s. 103; 2000, c. 48, s. 14.



*See section 78.7.*

### DIVISION III

#### CONTROLLED ZONES

1988, c. 39, s. 41.

**104.** The Minister may establish controlled zones on land in the domain of the State for the development, harvesting and conservation of wildlife or a species of wildlife and for the carrying on of recreational activities incidental thereto.

The Minister may also include in a controlled zone any private land subject to agreement between the owner, including a municipality or a metropolitan community, and the Minister.

The areas may be designated by the initials “Z.E.C.” (zone d’exploitation contrôlée) or by the acronym “ZEC” .

Where an agreement is entered into under the second paragraph, it binds the owner and his successors for the term indicated therein, including the renewal period, if any; a certified copy of the agreement, accompanied with a copy of the order establishing the controlled zone, must be filed at the registry office for registration of the prescribed particulars in the land register.

An order made by the Minister under this section shall be published in the *Gazette officielle du Québec*, together with a plan of the controlled zone delimited, and comes into force on the date of its publication or on any later date indicated therein.

1983, c. 39, s. 104; 1986, c. 109, s. 22; 1987, c. 23, s. 76; 1988, c. 39, s. 41; 1996, c. 62, s. 25; 1998, c. 29, s. 17; 1999, c. 40, s. 85; 2000, c. 48, s. 16; 2000, c. 56, s. 218; 2000, c. 42, s. 148; 2003, c. 8, s. 6; 2004, c. 11, s. 15.

**104.1.** Where land in the domain of the State that is situated in a controlled zone is sold or transferred, it continues to form part of the controlled zone for the purposes of the regulations under sections 106, 110, 110.1 and 110.2 and the Minister need not make an agreement to that end with the purchaser or his successors.

The first paragraph does not operate to allow users access to the land or leave to carry on an activity on the land without the owner’s consent.

1996, c. 62, s. 26; 1999, c. 40, s. 85.

**105.** In no case may the expression “controlled zone”, the initials “Z.E.C.” or the acronym “ZEC” be used to designate any immovable, undertaking or organization without the written authorization of the Minister.

1983, c. 39, s. 105; 1988, c. 39, s. 41; 1999, c. 36, s. 84; 2004, c. 11, s. 37.

**106.** The Minister may, by way of a memorandum of agreement, entrust to an agency the management of all or part of a controlled zone.

Where a memorandum of agreement is cancelled, the Minister may continue to apply the by-laws passed by an agency that is a party to the memorandum of agreement in accordance with section 110.1 or, without any formality, amend or replace them. The Minister may also use the fees collected from users to travel about the territory or to carry on any activity for purposes of management of the controlled zone.

1983, c. 39, s. 106; 1988, c. 39, s. 10, s. 41; 1999, c. 36, s. 85; 2004, c. 11, s. 37, s. 38.

**106.0.1.** An agency that is a party to a memorandum of agreement may fix the amount of fees payable for the carrying on of recreational activities in the territory of a controlled zone, subject to the agency first having a recreational activity development plan approved by the Minister. The plan must include a list of the

recreational activities to be offered and the fees, which may vary, applicable to each activity. The plan must be drawn up in accordance with the directives of the Minister.

2000, c. 48, s. 17; 2004, c. 11, s. 37.

**106.0.2.** Subject to a prohibition enacted by the Government under subparagraph 1 of the first paragraph of section 110, the Minister may approve the plan referred to in section 106.0.1, with or without amendment, for the duration the Minister determines.

The Minister shall send the approved plan by registered mail to the agency that is a party to a memorandum of agreement, and the fees provided for in the plan come into force on the date indicated on the notice of receipt or delivery. The fees shall be valid for the duration of the plan to which they pertain, as determined by the Minister under the first paragraph.

Where the agency wishes to amend fees approved by the Minister, it must submit new fees to the Minister for approval.

2000, c. 48, s. 17; 2003, c. 8, s. 6; 2004, c. 11, s. 16; 2009, c. 49, s. 17; I.N. 2016-01-01 (NCCP).

**106.0.3.** The fees referred to in section 106.0.2 must be posted up at the place where users register and a copy must be given on request to any user carrying on a recreational activity in the controlled zone.

2000, c. 48, s. 17.

**106.0.4.** The fixing of fees under section 106.0.1 by an agency that is a party to a memorandum of agreement is not subject to the Regulations Act (chapter R-18.1).

2000, c. 48, s. 17.

**106.1.** The fees collected from users to travel about the territory or to carry on any activity by any agency that is a party to the memorandum of agreement shall devolve to the agency and shall, subject to section 106.6, be used for purposes of management of the controlled zone.

1988, c. 39, s. 11; 1988, c. 39, s. 41; 1997, c. 95, s. 3.

**106.2.** An agency that is a party to a memorandum of agreement may, jointly with an outfitter, another agency that is a party to a memorandum of agreement or a recreational association, fix an amount to be paid annually by the outfitter, agency or association as fees for persons who must travel through the territory of the controlled zone to get to the territory of the outfitting operation or of another controlled zone, or who must travel through the territory of the controlled zone to engage in an activity as members of the recreational association.

1988, c. 39, s. 11; 1988, c. 39, s. 41; 1996, c. 62, s. 27.

**106.3.** The Minister may, on the conditions determined by the Minister, certify a non-profit legal person to act as the representative of all the agencies that are parties to a memorandum of agreement, or of all such agencies that manage a controlled zone belonging to one or more classes of zones defined by regulation and specified by the Minister.

1997, c. 95, s. 4.

**106.4.** The functions of a legal person certified under section 106.3 shall consist in

(1) consulting the agencies that are parties to the memorandum of agreement and on whose behalf the legal person acts as the representative;

(2) promoting consultation among the agencies;

(3) exercising any other function necessary to fulfil its role as representative as may be assigned to the legal person by the Minister.

1997, c. 95, s. 4.

**106.5.** In order to be certified by the Minister, a non-profit legal person must have a membership comprising at least 50% plus one of all the agencies that are parties to a memorandum of agreement, or of all such agencies that manage a controlled zone belonging to one or more classes of zones defined by regulation, as the case may be.

The Minister shall publish notice of the certification in the *Gazette officielle du Québec*. The certification takes effect from the date of publication.

1997, c. 95, s. 4.

**106.6.** Every agency that is a party to a memorandum of agreement and on whose behalf a legal person certified by the Minister acts as the representative must pay to the legal person, for a period of three years from the date determined by the Government, a part of the fees that devolve to the agency under this Act as a contribution toward the financing of the legal person.

The Government shall determine by regulation the part of the fees to be paid and the terms and conditions of payment.

The Government may extend the period during which the financing requirement provided for in the first paragraph is applicable.

1997, c. 95, s. 4.

**106.7.** The Minister shall send a copy of the notice of certification to each agency that is a party to a memorandum of agreement and on whose behalf the legal person is to act as the representative, in which the Minister shall indicate the part of the fees to be paid under section 106.6 and the terms and conditions of payment.

1997, c. 95, s. 4.

**106.8.** The fiscal year of a legal person certified by the Minister ends on 30 November.

The legal person must, each year, within four months after the end of its fiscal year, send a report to the Minister on its activities together with a financial statement audited by an accountant. The annual report must also contain any other information required by the Minister.

1997, c. 95, s. 4.

**106.9.** The Minister may cancel the certification of a legal person if

- (1) membership in the legal person falls below the number required for certification; or
- (2) the legal person fails to comply with the conditions prescribed by the Minister at the time of certification or does not fulfil the obligations set out in section 106.8.

The Minister shall publish notice of the cancellation in the *Gazette officielle du Québec*; the cancellation takes effect on the date of publication.

The Minister shall send a copy of the notice of cancellation to each agency on whose behalf the legal person acted as the representative.

1997, c. 95, s. 4.

**106.10.** The Minister shall, not later than six months before the expiry of the three-year period referred to in the first paragraph of section 106.6 or of the extension determined by the Government under the third paragraph of that section, make a report to the Government on the application of sections 106.3 to 106.9 and, if necessary, on the advisability of extending that period.

The report shall be tabled in the National Assembly by the Minister within 15 days if the Assembly is sitting or, if it is not sitting, within 15 days after resumption.

1997, c. 95, s. 4.

**107.** The Minister may, if the Minister considers it appropriate and on the conditions the Minister determines, make improvements or erect structures in a controlled zone or authorize an agency that is a party to a memorandum of agreement to do so.

The Minister may acquire improvements or constructions that are useful for the management of a controlled zone or authorize, on the conditions the Minister determines, an agency managing a controlled zone that is a party to a memorandum of agreement to acquire improvements or constructions.

The Minister may also, on the conditions the Minister determines, transfer the ownership of improvements or constructions to an agency managing a controlled zone that is a party to a memorandum of agreement.

1983, c. 39, s. 107; 1988, c. 39, s. 41; 1996, c. 18, s. 9; 1999, c. 36, s. 86; 2000, c. 48, s. 18; 2004, c. 11, s. 37, s. 38.

**108.** *(Repealed).*

1983, c. 39, s. 108; 1984, c. 47, s. 48; 1987, c. 23, s. 76, s. 97; 1988, c. 39, s. 41; 1999, c. 40, s. 85; 1999, c. 36, s. 87.

**109.** No person may organize activities or provide services for profit or operate a commercial undertaking in a controlled zone with a view to the development or utilization of wildlife or for the purposes of recreational activities without the authorization of the Minister or without complying with the conditions of such authorization.

The Minister shall authorize the organization of activities or the provision of services for profit or the operation of a commercial undertaking, for a purpose referred to in the first paragraph, on the conditions the Minister determines in a contract with the person, association or agency concerned; the Minister may refuse an authorization, in particular if an activity, service or commercial undertaking already forms part of a development plan approved by the Minister under section 106.0.2.

1983, c. 39, s. 109; 1988, c. 39, s. 41; 1999, c. 36, s. 88; 2000, c. 48, s. 19; 2004, c. 11, s. 37, s. 38.

**110.** With regard to a controlled zone, the Government may, by regulation,

- (1) authorize or prohibit a recreational, hunting or fishing activity, on the conditions it determines;
- (2) set the fees or maximum fees payable to carry on a recreational, hunting or fishing activity, to register for a draw or to travel about the territory;
- (3) authorize or prohibit the use of recreational vehicles on the conditions it determines;
- (4) set the maximum number or the categories of persons that may carry on a recreational, hunting or fishing activity in a sector of the territory, on the conditions it determines;
- (5) authorize or prohibit the carrying, possession or transport of hunting or fishing gear on the conditions it determines;
- (6) authorize or prohibit the presence of a dog or other domestic animal on the conditions it determines;

(7) divide the territory into sectors for the purposes of the standards prescribed under this section, which may vary according to the sector;

(8) determine the minimum and maximum fees payable for membership in an agency that is party to a memorandum of agreement; and

(9) allow any agency that is party to a memorandum of agreement to exercise all or some of the regulatory powers provided for in subparagraphs 1 to 4 and subparagraphs 7 and 8, on the conditions it determines.

The amount of fees exigible that may be determined under this section may vary according to the category of persons or class of licence concerned, the age of the persons, the activity carried on, the species of wildlife hunted or fished, the period of the stay, the sector or the place, or the period or date of the recreational, hunting or fishing activity.

1983, c. 39, s. 110; 1984, c. 47, s. 49; 1986, c. 109, s. 23; 1988, c. 39, s. 13, s. 41; 1992, c. 15, s. 12; 1997, c. 95, s. 5; 2000, c. 48, s. 20; 2009, c. 49, s. 18.

**110.1.** The powers exercised by an agency that is party to a memorandum of agreement under subparagraph 9 of the first paragraph of section 110 must be exercised by by-law.

Any by-law other than a by-law under subparagraphs 2 and 7 of the first paragraph of section 110 requires the approval of the general meeting of the members of the agency and is subject to the following rules:

(1) a notice of meeting must be sent to the Minister and to each member of the agency at least 30 days before the date of the general meeting;

(2) the by-law must accompany the notice of meeting;

(3) the general meeting must be held between 1 December and 1 May;

(4) the by-law must be approved, with or without amendment, by the votes of at least two-thirds of the members attending the meeting.

A copy of the by-law must be sent to the Minister for approval.

The by-law comes into force on the date the agency receives a notice of approval from the Minister or, failing such a notice, 30 days after the by-law was sent to the Minister.

1988, c. 39, s. 14; 1999, c. 36, s. 89; 2004, c. 11, s. 37; 2009, c. 49, s. 19.

**110.2.** The Minister may amend or replace the by-law of an agency that is party to a memorandum of agreement if the by-law fails to comply with the conditions determined by government regulation or the rules provided for the adoption of the by-law are not followed.

A copy of the amended or replaced by-law is sent to the agency and comes into force on the date it is received by the agency.

1988, c. 39, s. 14; 1999, c. 36, s. 90; 2004, c. 11, s. 37; 2009, c. 49, s. 20.

**110.3.** A by-law made by an agency that is party to a memorandum of agreement under subparagraph 9 of the first paragraph of section 110 or a by-law made by the Minister under section 110.2 must be posted up near the place where users register and a copy thereof shall be given on request to any user carrying on an activity in the controlled zone.

1988, c. 39, s. 14; 1988, c. 39, s. 41; 2009, c. 49, s. 21.



**110.4.** *(Repealed).*

1988, c. 39, s. 14; 1988, c. 39, s. 41; 2009, c. 49, s. 22.

**110.5.** *(Repealed).*

1988, c. 39, s. 14; 1988, c. 39, s. 41; 2009, c. 49, s. 22.

**110.6.** The Minister may, in writing, generally or specially delegate the powers conferred by the second paragraph of section 106 and sections 106.0.2 and 110.2 to a personnel member of the department or a position holder.

2004, c. 11, s. 17.

**DIVISION IV**

**WILDLIFE SANCTUARIES**

1988, c. 39, s. 41.

**111.** The Minister may establish wildlife sanctuaries on lands in the domain of the State and dedicate them to the conservation, development and utilization of wildlife and to the carrying on of recreational activities incidental thereto.

The Minister may include in a wildlife sanctuary any private land subject to an agreement between the owner, including a municipality or a metropolitan community, and the Minister.

Where an agreement is entered into under the second paragraph, it binds the owner and his successors for the term indicated therein, including the renewal period, if any; a certified copy of the agreement, accompanied with a copy of the order establishing the wildlife sanctuary, must be filed at the registry office for registration of the prescribed particulars in the land register.

An order made by the Minister under this section shall be published in the *Gazette officielle du Québec*, together with a plan of the wildlife sanctuary delimited, and comes into force on the date of its publication or on any later date indicated therein.

1983, c. 39, s. 111; 1986, c. 109, s. 24; 1987, c. 23, s. 76; 1988, c. 39, s. 41; 1996, c. 62, s. 28; 1998, c. 29, s. 18; 1999, c. 40, s. 85; 2000, c. 48, s. 21; 2000, c. 56, s. 218; 2000, c. 42, s. 149; 2003, c. 8, s. 6; 2004, c. 11, s. 18.

**111.1.** Where land in the domain of the State that is situated in a wildlife sanctuary is sold or transferred, it continues to form part of the wildlife sanctuary for the purposes of a ministerial order under section 120.1 and the regulations under section 121, and the Minister need not make an agreement to that effect with the purchaser or his successors.

The first paragraph does not operate to allow users access to the land or leave to carry on an activity on the land without the owner's consent.

1996, c. 62, s. 29; 1999, c. 40, s. 85.

**112.** In no case may the expression "wildlife sanctuary" be used to designate any immovable, undertaking or organization without the written authorization of the Minister.

1983, c. 39, s. 112; 1988, c. 39, s. 41; 1999, c. 36, s. 91; 2004, c. 11, s. 37.

**113.** *(Repealed).*

1983, c. 39, s. 113; 1987, c. 23, s. 76; 1988, c. 39, s. 41; 1996, c. 62, s. 30; 1998, c. 29, s. 19.

**114.** *(Repealed).*

1983, c. 39, s. 114; 1998, c. 29, s. 19.

**115.** *(Repealed).*

1983, c. 39, s. 115; 1998, c. 29, s. 19.

**116.** *(Repealed).*

1983, c. 39, s. 116; 1996, c. 62, s. 31; 1998, c. 29, s. 19.

**117.** *(Repealed).*

1983, c. 39, s. 117; 1998, c. 29, s. 19.

**118.** The Minister may, if the Minister considers it appropriate and on the conditions the Minister determines, make improvements or erect structures in a wildlife sanctuary or authorize, on the conditions the Minister determines in a contract, the person, association or body concerned to do so.

The Minister may also, in the same manner, authorize them to organize activities, provide services for profit or operate a commercial undertaking with a view to the development or utilization of wildlife or for the purposes of recreational activities in a wildlife sanctuary. The Minister may, to that end and on the conditions the Minister determines, transfer to such person, association or body the ownership of improvements or constructions.

The contract may provide that the fees collected to travel about the territory or to carry on any activity shall devolve upon the other contracting party.

1983, c. 39, s. 118; 1986, c. 109, s. 25; 1988, c. 39, s. 15, s. 41; 1996, c. 18, s. 10; 1999, c. 36, s. 92; 2000, c. 48, s. 22; 2004, c. 11, s. 37.

**118.0.1.** Subject to the rights and authorizations granted to a third party by the Minister, the Société may make improvements or erect structures on a wildlife reserve. It may likewise organize activities or provide services for profit or operate a commercial undertaking for the development or utilization of wildlife or for recreational activities.

The fees collected for travelling about the territory or carrying on any activity devolve to the Société.

2004, c. 11, s. 19; 2009, c. 49, s. 23.

**118.1.** A person, association or body referred to in section 118 and the Société may fix the amount of fees payable for the carrying on of recreational activities in the territory of a wildlife sanctuary. In such a case, sections 106.0.1 to 106.0.4 and 110.6 apply with the necessary modifications.

2000, c. 48, s. 23; 2004, c. 11, s. 20.

**119.** *(Repealed).*

1983, c. 39, s. 119; 1986, c. 108, s. 255; 1988, c. 39, s. 41; 1987, c. 64, s. 344; 1999, c. 36, s. 93; 2004, c. 11, s. 21.

**120.** No person except the Société may organize activities or provide services for profit or operate a commercial undertaking in a wildlife sanctuary with a view to the development or utilization of wildlife or for the purposes of recreational activities without being authorized by a contract with the Minister or without complying with the conditions of such authorization.

The Minister may refuse an authorization in particular if the organization of an activity, the provision of a service or the operation of an undertaking already forms part of a development plan approved by the Minister under this Act.

1983, c. 39, s. 120; 1988, c. 39, s. 41; 1999, c. 36, s. 94; 2000, c. 48, s. 24; 2004, c. 11, s. 22.

### **120.1.** *(Repealed).*

1986, c. 109, s. 26; 1988, c. 39, s. 41; 1999, c. 36, s. 95; 2000, c. 48, s. 25.

**121.** With regard to a wildlife sanctuary, the Government may, by regulation,

- (1) authorize or prohibit a recreational, hunting or fishing activity, on the conditions it determines;
- (2) set the fees or maximum fees payable to carry on a recreational, hunting or fishing activity, to register in a draw or to travel about the territory;
- (3) authorize or prohibit the use of vehicles for recreational purposes, on the conditions it determines;
- (4) authorize or prohibit the carrying, possession or transport of hunting or fishing gear, on the conditions it determines;
- (5) authorize or prohibit the presence of a dog or other domestic animal, on the conditions it determines;
- (6) divide the territory into sectors for the purposes of the standards prescribed under this section, which may vary according to the sector; and
- (7) allow the Société or any body that is party to a contract referred to in section 118 or 120 to exercise all or some of the regulatory powers provided for in subparagraphs 1 to 3 and subparagraphs 5 and 6, on the conditions it determines.

The fees payable that may be set under this section may vary according to the category of persons or class of licence, a person's age, the activity being carried on, the wildlife species being hunted or fished, the length of stay, the sector or place where the recreational, hunting or fishing activity is carried on, and the period or date of the activity.

1983, c. 39, s. 121; 1986, c. 109, s. 27; 1988, c. 39, s. 16, s. 41; 1997, c. 95, s. 6; 2009, c. 49, s. 24.

**121.1.** The powers exercised by the Société or by a body that is party to a contract referred to in section 118 or 120 under subparagraph 7 of the first paragraph of section 121 must be exercised by by-law.

A copy of the by-law must be sent to the Minister for approval.

The by-law comes into force on the date the Société or body receives a notice of approval from the Minister or, failing such a notice, 30 days after the by-law was sent to the Minister.

2009, c. 49, s. 25.

**121.2.** The Minister may amend or replace the by-law of the Société or of a body that is party to a contract referred to in section 118 or 120 if the Société or body fails to comply with the conditions determined by government regulation.

A copy of the amended or replaced by-law is sent to the Société or body and comes into force on the date it is received by the body or the Société.

2009, c. 49, s. 25.

**121.3.** A by-law made by the Société or by a body that is party to a contract referred to in section 118 or 120 under subparagraph 7 of the first paragraph of section 121 or a by-law made by the Minister under section 121.2 must be posted near the place where users register and a copy must be given, on request, to each user who practises an activity in a wildlife sanctuary.

2009, c. 49, s. 25.

## DIVISION V

### WILDLIFE PRESERVES

1988, c. 39, s. 41.

**122.** The Minister may establish on lands in the domain of the State, on private lands or on both a wildlife preserve in respect of which the conditions governing the use of the resources and the carrying on of recreational activities incidental thereto are fixed with a view to preserving the wildlife habitat or the habitat of a species of wildlife.

Notwithstanding the first paragraph, where the Minister wishes to include private land in a wildlife preserve, the Minister shall first enter into an agreement to that effect with the owner, including a municipality or a metropolitan community.

Where an agreement is entered into under the second paragraph, it binds the owner and his successors for the term indicated therein, including the renewal period, if any; a certified copy of the agreement, accompanied with a copy of the order establishing the wildlife preserve, must be filed at the registry office for registration of the prescribed particulars in the land register.

An order made by the Minister under this section shall be published in the *Gazette officielle du Québec*, together with a plan of the wildlife preserve delimited, and comes into force on the date of its publication or on any later date indicated therein.

1983, c. 39, s. 122; 1984, c. 47, s. 50; 1986, c. 109, s. 28; 1987, c. 23, s. 76; 1988, c. 39, s. 41; 1996, c. 62, s. 32; 1998, c. 29, s. 20; 1999, c. 40, s. 85; 1999, c. 36, s. 96; 2000, c. 48, s. 27; 2000, c. 56, s. 218; 2000, c. 42, s. 150; 2003, c. 8, s. 6; 2004, c. 11, s. 23.

**122.1.** Where land in the domain of the State that is situated in a wildlife preserve is sold or transferred, it continues to form part of the wildlife preserve for the purposes of the regulations under section 125 and the Minister need not make an agreement to that effect with the purchaser or his successors.

The first paragraph does not operate to allow users access to the land or leave to carry on an activity on the land without the owner's consent.

1996, c. 62, s. 33; 1999, c. 40, s. 85.

**123.** In no case may the expression "wildlife preserve" be used to designate any immovable, undertaking or organization without the written authorization of the Minister.

1983, c. 39, s. 123; 1988, c. 39, s. 41; 1999, c. 36, s. 97; 2004, c. 11, s. 37.

**124.** (*Repealed*).

1983, c. 39, s. 124; 1988, c. 39, s. 41; 1999, c. 36, s. 98.

**125.** With regard to a wildlife preserve, the Government may, by regulation,

(1) authorize or prohibit a commercial, recreational, hunting or fishing activity on the conditions it determines;

- (2) set the fees or maximum fees payable to carry on a recreational, hunting or fishing activity, to register for a draw or to travel about the territory;
- (3) authorize or prohibit the use of any type of vehicle, on the conditions it determines;
- (4) authorize or prohibit the carrying, possession or transport of hunting or fishing gear, on the conditions it determines;
- (5) authorize or prohibit the presence of a dog or other domestic animal, on the conditions it determines; and
- (6) divide the territory into sectors for the purposes of the standards prescribed by this section.

The fees payable that may be set under this section may vary according to the category of persons or class of licence, a person's age, the activity being carried on, the wildlife species being hunted or fished, the length of stay, the sector or place where the commercial, recreational, hunting or fishing activity is carried on, and the period or date of the activity.

1983, c. 39, s. 125; 1986, c. 109, s. 29; 1988, c. 39, s. 17, s. 41; 1997, c. 95, s. 7; 2000, c. 48, s. 28; 2009, c. 49, s. 26.

**126.** No person may organize activities or provide services for profit or operate a commercial undertaking in a wildlife preserve with a view to the development or utilization of wildlife or the wildlife habitat or for the purposes of recreational activities without being authorized by a contract with the Minister or without complying with the conditions of such authorization.

The Minister may refuse an authorization in particular if the organization of an activity, the provision of a service or the operation of an undertaking already forms part of a development plan approved by the Minister under this Act.

1983, c. 39, s. 126; 1988, c. 39, s. 41; 1999, c. 36, s. 99; 2000, c. 48, s. 29; 2004, c. 11, s. 37.

**127.** The Minister may, if the Minister considers it appropriate and on the conditions the Minister determines, make improvements or erect structures in a wildlife preserve or, on the conditions the Minister determines in a contract with a person, association or body concerned, authorize the person, association or body to do so.

The Minister may also, in the same manner, authorize them to organize activities, provide services for profit or operate a commercial undertaking with a view to the development or utilization of wildlife or a wildlife habitat or for the purposes of recreational activities in a wildlife preserve. The Minister may, to that end and on the conditions the Minister determines, transfer to such a person, association or body the ownership of improvements or constructions.

The contract may provide that the fees to travel about the territory or to carry on any activity shall devolve upon the other contracting party.

1983, c. 39, s. 127; 1986, c. 109, s. 30; 1988, c. 39, s. 41; 1996, c. 18, s. 11; 1999, c. 36, s. 100; 2000, c. 48, s. 30; 2004, c. 11, s. 37, s. 38.

**127.1.** A person, association or body referred to in section 127 may fix the amount of fees payable for the carrying on of recreational activities in the territory of a wildlife preserve. In such a case, sections 106.0.1 to 106.0.4 and 110.6 apply with the necessary modifications.

2000, c. 48, s. 31; 2004, c. 11, s. 24.

**128.** *(Repealed).*

1983, c. 39, s. 128; 1988, c. 39, s. 41; 1999, c. 36, s. 101; 2004, c. 11, s. 25.

## CHAPTER IV.1

### WILDLIFE HABITATS

1988, c. 24, s. 5.

#### DIVISION I

##### APPLICATION

1988, c. 24, s. 5.

**128.1.** This chapter applies to wildlife habitats having the features specified by regulation or in which the conditions specified by regulation prevail and, in the cases prescribed by regulation, which are demarcated on a chart prepared by the Minister.

1988, c. 24, s. 5.

**128.2.** The Minister shall prepare the chart of a wildlife habitat in cooperation with, as the case may be, the Minister of Agriculture, Fisheries and Food, the Minister of Transport or the Minister of Municipal Affairs, Regions and Land Occupancy.

He may amend, replace or cancel a chart in the same manner.

1988, c. 24, s. 5; 1990, c. 64, s. 27; 1994, c. 13, s. 15, s. 16; 1994, c. 17, s. 42; 1999, c. 43, s. 13; 2003, c. 8, s. 6; 2003, c. 19, s. 250; 2004, c. 11, s. 26; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

**128.3.** The Minister shall publish a notice in the *Gazette officielle du Québec* of the preparation or, as the case may be, the amendment, replacement or repeal of a wildlife habitat chart.

The notice shall name the animal or fish concerned and give a summary indication of where its habitat is located.

The chart comes into force fifteen days from the date of publication of the notice or on any later date provided in the notice.

1988, c. 24, s. 5; 1989, c. 37, s. 52.

**128.4.** The Minister has custody of the originals of the charts the Minister prepares and shall transmit a copy to any person on request.

1988, c. 24, s. 5; 1989, c. 37, s. 53; 1999, c. 36, s. 102; 2004, c. 11, s. 27.

**128.5.** The Minister shall enter every wildlife habitat chart in the land use plan prepared in accordance with section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1) and shall transmit a copy of the chart to

(1) (*paragraph repealed*);

(2) the regional county municipality whose territory is included on the chart, so that it may enter it on the land use planning and development plan provided for by the Act respecting land use planning and development (chapter A-19.1);

(3) the local municipality whose territory is included on the chart so that it may take it into account in carrying on its functions;

(4) the registry office of the registration division of the territory included on the chart so that any persons concerned may examine it.

1988, c. 24, s. 5; 1994, c. 13, s. 15; 1996, c. 2, s. 599; 1996, c. 62, s. 34; 1999, c. 36, s. 103; 2002, c. 68, s. 52; 2003, c. 8, s. 6; 2004, c. 11, s. 28.

## DIVISION II

### ACTIVITIES IN A WILDLIFE HABITAT

1988, c. 24, s. 5.

**128.6.** No person may, in a wildlife habitat, carry on an activity that may alter any biological, physical or chemical component peculiar to the habitat of the animal or fish concerned.

The prohibition in the first paragraph does not apply to

- (1) an activity exempted by regulation;
- (2) an activity carried on in accordance with the standards or conditions of management prescribed by regulation;
- (3) an activity authorized by the Minister or the Government under this Act;
- (4) an activity required to repair damage caused by a catastrophe or to prevent possible damage from an apprehended catastrophe.

1988, c. 24, s. 5; 1998, c. 29, s. 21; 1999, c. 36, s. 104; 2004, c. 11, s. 29.

**128.7.** The Minister may authorize the carrying on of an activity that alters a wildlife habitat.

The Minister may attach such conditions to the authorization as the Minister determines, in particular the requirement that the applicant furnish security in accordance with the regulations.

Before issuing an authorization, the Minister shall take into account, in particular but not exclusively, the physical features of the area, the nature of the proposed activities, the economic and social consequences of the proposed activities, the impact of the activity on the conservation of the wildlife and its habitat and the possibility of substituting another habitat.

1988, c. 24, s. 5; 1999, c. 36, s. 105; 2004, c. 11, s. 37, s. 38.

**128.8.** The Minister may issue a general authorization, for such activities, on such conditions and for such time as he determines, to another minister in respect of activities carried on in a wildlife habitat by or on behalf of that minister.

1988, c. 24, s. 5.

**128.9.** The Government, upon the advice of the Minister and after a public hearing by the Minister or his representative, may, on such conditions as it determines, authorize the carrying on of an activity that alters a wildlife habitat if it considers that the consequences of not carrying on or of abandoning the activity would be more harmful to the public than the alteration of the wildlife habitat concerned.

1988, c. 24, s. 5; 1994, c. 17, s. 43; 1999, c. 36, s. 106.

**128.10.** To obtain authorization, a person must apply in writing to the Minister.

The Minister may demand any information the Minister considers necessary to make a decision.

1988, c. 24, s. 5; 1999, c. 36, s. 107; 2004, c. 11, s. 37, s. 38.

**128.11.** Where the Minister denies an application for authorization, the Minister shall notify the applicant in writing, giving his reasons.

1988, c. 24, s. 5; 1999, c. 36, s. 108; 2004, c. 11, s. 37, s. 38.

**128.12.** The Minister may demand any information relating to the carrying on of an activity in a wildlife habitat.

1988, c. 24, s. 5; 1999, c. 36, s. 109; 2004, c. 11, s. 30.

**128.13.** Where the holder of an authorization fails to comply with the conditions attached to the authorization, the Minister may suspend or revoke the authorization or confiscate the security furnished by the holder and use it to repair the damage caused to the wildlife habitat.

1988, c. 24, s. 5; 1999, c. 36, s. 110; 2004, c. 11, s. 31.

**128.14.** Before denying, suspending or revoking an authorization or confiscating security, the Minister shall notify the applicant or holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the applicant or holder at least 10 days to present observations.

1988, c. 24, s. 5; 1997, c. 43, s. 209; 1999, c. 36, s. 111; 2004, c. 11, s. 32.

**128.15.** The Minister may make an order on ascertaining that an activity that may result in serious or irreparable damage to a wildlife habitat

- (1) has begun or is about to begin without authorization;
- (2) violates the conditions attached to the authorization;
- (3) violates the standards or conditions of management prescribed by regulation.

The order shall require the person concerned to suspend the activity until he obtains the required authorization or, as the case may be, to observe the conditions attached to the authorization or the standards or conditions of management prescribed by regulation.

The order must give the reasons on which it is based; it comes into force on the date of its notification.

A person to whom such an order is notified without prior notice because, in the opinion of the Minister, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister.

Where a person to whom an order is made refuses or neglects to follow it, the Minister may, in addition to any other remedy, apply to the Superior Court for an injunction ordering the person to comply with the order.

1988, c. 24, s. 5; 1997, c. 43, s. 210; 1999, c. 36, s. 112; 2004, c. 11, s. 33.



### DIVISION III

#### ADMINISTRATION

1988, c. 24, s. 5.

**128.16.** The Minister, by a memorandum of agreement, may, on such conditions and for such activities or wildlife habitats as the Minister determines, entrust the exercise of the Minister's powers under sections 128.7, 128.10 to 128.14 and 171.5 to a municipality in respect of its territory.

The memorandum may in addition provide the conditions on which the powers entrusted to the municipality may be subdelegated to its employees.

The Minister shall publish in the *Gazette officielle du Québec* a notice to the effect that a memorandum of agreement has been signed with a municipality and setting out the date of its coming into force.

From the date of coming into force of the memorandum of agreement, the municipality which is a party to it has full exercise of the powers delegated to it under this section.

1988, c. 24, s. 5; 1990, c. 85, s. 123; 1996, c. 2, s. 600; 1999, c. 36, s. 113; 2000, c. 56, s. 136; 2004, c. 11, s. 37, s. 38.

**128.17.** The Minister may grant financial assistance to a person who carries on an activity on private land on which a wildlife habitat is situated if the denial of authorization for an activity, or a condition attached to an authorization, or a standard or condition of management prescribed by regulation is harmful to his interests.

1988, c. 24, s. 5; 1999, c. 36, s. 114; 2004, c. 11, s. 37.

### DIVISION IV

#### REGULATIONS

1988, c. 24, s. 5.

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

(1) specify the peculiar features or conditions of the wildlife habitats contemplated in this chapter, with reference to animals or fish, their sex, age, number, density or location, the season, the physical features or the location of the habitat on public or private land and, as the case may be, designate the wildlife habitats demarcated on a chart prepared by the Minister;

(2) designate activities which, while they may alter a biological, chemical or physical component of a wildlife habitat, do not require any authorization and, as the case may be, prescribe the applicable standards or conditions of management, which may vary according to the kind of activity, the class or location of the wildlife habitat, the season, the physical features or according to whether the habitat is located on public or private land;

(3) require as a condition precedent to the issue of an authorization, in such cases as it prescribes, that a person furnish security to enable the Minister to take or cause the taking of the required measures pursuant to section 128.13 or 171.5, and fix the nature and amount of the security according to the class of person or wildlife habitat or to the kind of activity.

1988, c. 24, s. 5; 1992, c. 15, s. 13; 1999, c. 36, s. 115; 2004, c. 11, s. 34.

## CHAPTER V

### FONDATION DE LA FAUNE DU QUÉBEC

1988, c. 39, s. 18.

#### DIVISION I

##### ESTABLISHMENT AND ORGANIZATION

**129.** A Foundation called the “Fondation de la faune du Québec” is hereby established.

1983, c. 39, s. 129; 1988, c. 39, s. 19.

**130.** The Foundation is a non-profit legal person.

1983, c. 39, s. 130; 1988, c. 39, s. 20; 1996, c. 62, s. 35.

**131.** The Foundation is a mandatary of the State.

The property of the Foundation forms part of the domain of the State but the performance of its obligations may be levied against its property.

The Foundation binds only itself when it acts in its name.

1983, c. 39, s. 131; 1999, c. 40, s. 85.

**132.** The head office of the Foundation is in the territory of Ville de Québec, at the place determined by the board of directors.

Notice of the location or of any change of location of the head office must be published in the *Gazette officielle du Québec*.

1983, c. 39, s. 132; 1988, c. 39, s. 21; 1996, c. 62, s. 36; 1999, c. 40, s. 85; 2000, c. 56, s. 220.

**133.** The Foundation is administered by a board of directors consisting of 13 members appointed by the Government. The board is formed of the following members, seven of whom must be from regions other than the Montréal and Québec City regions:

(1) a chairman of the board and a president and director general;

(2) eight members appointed on the basis of the expertise and experience profiles approved by the board;

(3) three members from regional wildlife organizations chosen from a list provided by the Table nationale de la faune that gives preference to candidates who are on the board of directors of such an organization.

1983, c. 39, s. 133; 1988, c. 39, s. 22; 1992, c. 15, s. 14; 2009, c. 49, s. 27.

**134.** The members of the board of directors shall designate a vice-chairman from among the members of the board of directors. Where the chairman of the board of directors is temporarily absent or unable to act, the vice-chairman shall perform his duties.

1983, c. 39, s. 134; 1988, c. 39, s. 23.

**135.** The members of the board of directors are appointed for a term not exceeding four years.

1983, c. 39, s. 135; 1988, c. 39, s. 24; 2009, c. 49, s. 28.

**136.** At the end of their term, the members of the board of directors remain in office until they are replaced or reappointed.

1983, c. 39, s. 136.

**137.** Any vacancy occurring during a term is filled according to the mode of appointment provided in section 133.

Absence from a number of meetings determined by the internal management by-laws of the Foundation, in the cases and under the circumstances indicated therein, constitutes a vacancy.

1983, c. 39, s. 137.

**138.** The president and director general shall manage the Foundation and supervise its staff; he shall devote his full time to his duties of office.

The chairman of the board of directors shall preside at meetings of the board and see to its proper management. He shall also assume all other duties assigned to him under the by-laws of the board of directors.

1983, c. 39, s. 138; 1988, c. 39, s. 25.

**139.** The Government shall fix the remuneration, social benefits and other conditions of employment of the president and director general.

The members of the board of directors, other than the president and director general, are not remunerated.

They are entitled, however, on such conditions and to such extent as the Government may determine, to the reimbursement of expenses incurred by them in the performance of their duties.

1983, c. 39, s. 139; 1988, c. 39, s. 26.

**140.** The Foundation may appoint a secretary and any other employee it requires in order to carry on its activities.

1983, c. 39, s. 140.

**141.** The secretary and the other members of the personnel of the Foundation shall be appointed in accordance with the staffing plan established by by-law of the Foundation.

Subject to the provisions of a collective agreement, the Foundation shall determine, by by-law, the standards and scales of remuneration of the members of its personnel in accordance with the conditions defined by the Government.

1983, c. 39, s. 141; 2000, c. 8, s. 115.

**142.** In no case may the president and director general, on pain of forfeiture of office, have any direct or indirect interest in any undertaking causing his personal interest to conflict with that of the Foundation. However, forfeiture is not incurred if such an interest devolves to him by succession or gift, provided he renounces or disposes of it with dispatch.

Any other member of the board of directors having an interest in an undertaking described in the first paragraph shall, on pain of forfeiture of office, disclose it in writing to the board of directors and abstain from participating in any deliberation and decision concerning the undertaking.

1983, c. 39, s. 142; 1988, c. 39, s. 27.

**143.** The Foundation may hold its sittings anywhere in Québec.

A majority of the appointed members is a quorum at sittings of the board of directors.

In case of a tie-vote, the chairman of the board has a casting vote.

1983, c. 39, s. 143; 1988, c. 39, s. 28.

**144.** A decision signed by all the members of the board of directors has the same force as if it had been made at a sitting.

1983, c. 39, s. 144.

**144.1.** The board of directors of the Foundation must establish an audit committee. Sections 23 to 26 of the Act respecting the governance of state-owned enterprises (chapter G-1.02) apply to such a committee.

2009, c. 49, s. 29.

## DIVISION II

### FUNCTIONS AND POWERS

**145.** The functions of the Foundation are to promote the conservation and development of wildlife and the wildlife habitat.

The Foundation may, for that purpose,

(1) solicit and receive gifts, legacies, subsidies and other contributions provided the conditions that may be attached thereto are consistent with its functions;

(2) acquire, lease or alienate property or real rights in property and carry out thereon any work it considers necessary in the performance of its functions;

(3) provide financial or technical assistance to any person or body provided that such assistance is granted within the scope of its program of activities approved by the Government and that it is used for the conservation or development of wildlife or the wildlife habitat;

(4) make agreements with any person or body within the scope of its functions.

1983, c. 39, s. 145; 1988, c. 39, s. 29.

**146.** The Foundation must send a three-year plan of its activities to the Minister for approval three months before the beginning of the first fiscal year covered by the plan.

The plan must include the Foundation's policy directions, priorities, objectives, strategies and budgetary policies. It must also comply with any instructions the Minister may give to the Foundation.

1983, c. 39, s. 146; 1996, c. 18, s. 12; 2009, c. 49, s. 30.

**147.** *(Repealed).*

1983, c. 39, s. 147; 1988, c. 39, s. 30.

**148.** The Foundation may pass by-laws concerning

(1) the form and content of applications for financial assistance, the information they must contain and the documents that must accompany them;

- (2) the procedures for making and the criteria for evaluating applications for financial assistance.

The by-laws are subject to approval by the Government.

1983, c. 39, s. 148; 1988, c. 39, s. 31.

**149.** The Foundation may create a category of honorary members of the Foundation, without voting rights or a share in its management, and determine their conditions of membership, their privileges and their obligations.

1983, c. 39, s. 149.

**150.** In no case may the Foundation, without the authorization of the Government,

- (1) contract a loan that would increase its total outstanding borrowings to more than \$500,000;
- (2) enter into a contract for a term and an amount exceeding those determined by the Government.

1983, c. 39, s. 150; 1996, c. 62, s. 38.

**151.** In no case may the Foundation make any investment, except

(1) deposits with a bank that is subject to the Bank Act (Revised Statutes of Canada, 1985, chapter B-1) or to the Quebec Savings Banks Act (Revised Statutes of Canada, 1970, chapter B-4), or with a registered institution within the meaning of the Deposit Insurance Act (chapter A-26);

(2) the acquisition of bonds or other evidences of indebtedness issued by the Gouvernement du Québec or any of its agencies, by the government of Canada or of any Canadian province, or by a municipality, a school board or the Comité de gestion de la taxe scolaire de l'île de Montréal;

- (3) such other investments as are determined by regulation of the Government.

1983, c. 39, s. 151; 1988, c. 39, s. 32; 1988, c. 84, s. 573; 1996, c. 2, s. 601; 1996, c. 62, s. 39; 2002, c. 75, s. 33.

**152.** The Foundation may, according to law, enter into an agreement with a government other than the Gouvernement du Québec, or any of its departments, any international organization, or any agency of such a government or organization, with a view to carrying out its functions.

1983, c. 39, s. 152; 1988, c. 41, s. 90.

**153.** The Foundation may pass internal management by-laws.

1983, c. 39, s. 153.

## DIVISION III

### FINANCIAL PROVISIONS

**154.** The Government may, on the conditions it may determine,

(1) guarantee payment in capital and interest of any borrowing of the Foundation and the performance of any of its obligations;

(2) authorize the Minister of Finance to advance to the Foundation any amount deemed necessary for the carrying out of its functions, at the rate of interest, for the period and on such other conditions as are determined by the Government.

Sums the Government may be required to pay under the guarantees or to advance to the Foundation are taken out of the Consolidated Revenue Fund.

1983, c. 39, s. 154.

**155.** The Minister may, from 1 April 1984, pay to the Foundation the sums he determines and which are voted each year for that purpose by Parliament.

1983, c. 39, s. 155.

**155.1.** The Minister shall collect, for each hunting or trapping licence issued, the contribution prescribed in the second paragraph of section 54 and remit it to the Foundation on the date the Minister determines.

1987, c. 31, s. 3; 1999, c. 36, s. 116; 2004, c. 11, s. 37.

**155.2.** The Minister shall pay a contribution toward the funding of the Foundation out of the sums collected for the issue of fishing licences under the Fisheries Act (Revised Statutes of Canada, 1985, chapter F-14).

The amount of the contribution shall be determined by regulation and the Minister shall remit it to the Foundation on the date the Minister determines.

1988, c. 39, s. 33; 1999, c. 36, s. 117; 2004, c. 11, s. 37.

## **DIVISION IV**

### **DOCUMENTS, ACCOUNTS AND REPORTS**

**156.** No act, deed, document or writing binds the Foundation unless it is signed by the chairman of the board of directors, the president and director general, the secretary or a member of the staff of the Foundation but, in the case of the staff, only to the extent determined by by-law of the Foundation.

The signatures may be affixed by means of an automatic device to the documents determined by by-law of the Foundation.

1983, c. 39, s. 156; 1988, c. 39, s. 34.

**157.** Any document or a copy of a document emanating from the Foundation or forming part of its records and signed or certified by a person referred to in section 156 is authentic.

1983, c. 39, s. 157.

**158.** The fiscal year of the Foundation ends on 31 March each year.

1983, c. 39, s. 158.

**159.** The Foundation shall send its financial statements and a report of its activities to the Minister not later than 31 July each year.

The financial statements and the report of activities must also contain all the information that the Minister may prescribe.

1983, c. 39, s. 159.

**160.** The Minister shall table the report of activities and the financial statements of the Foundation in the National Assembly within thirty days of receiving them if the Assembly is in session or, if it is not sitting, within thirty days of the opening of the next session or of resumption.

1983, c. 39, s. 160.

**161.** The books and accounts of the Foundation must be audited each year by the Auditor General, and also whenever ordered by the Government.

The auditor's report must accompany the financial statements and the report of activities.

1983, c. 39, s. 161.

## CHAPTER V.1

### QUÉBEC-WIDE AND REGIONAL WILDLIFE PANELS

2007, c. 22, s. 1.

**161.1.** The Minister shall establish a Québec-wide wildlife panel to be known as the Table nationale de la faune, as well as regional wildlife panels.

The Minister shall determine the composition of the panels and, in the case of regional panels, their number and the territory they serve. The Minister shall publish a notice in the *Gazette officielle du Québec* and on the department's website.

2007, c. 22, s. 1.

**161.2.** The Québec-wide wildlife panel shall advise the Minister on any question the Minister submits to it concerning the conservation and development of wildlife, especially as regards developing and promoting hunting, fishing and trapping, and the next generation of hunters, fishers and trappers.

The regional panels shall advise the representatives designated by the Minister at the regional level on any question the representatives submit to them concerning the matters mentioned in the first paragraph.

2007, c. 22, s. 1.

## CHAPTER VI

### REGULATIONS

**162.** In addition to the other regulatory powers conferred on it by this Act, the Government may make regulations

(1) *(paragraph repealed)*;

(2) determining the provisions of the Act respecting the lands in the domain of the State (chapter T-8.1) and the regulations thereunder as well as the provisions of the Act respecting off-highway vehicles (chapter V-1.2) and the programs prepared in accordance with Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) that may be enforced by a wildlife protection officer;

(3) determining the manner of disposing of a seized object or animal confiscated under this Act or of an animal captured or object recovered pursuant to this Act;

(3.1) prescribing the manner in which a wildlife protection 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;

(4) determining the places where no person may fish except with a licence issued for that purpose;

(5) *(paragraph repealed)*;

(6) *(paragraph repealed)*;

(7) determining the animals for which no licence is required for keeping them in captivity, capturing them for the purpose of keeping them in captivity or disposing of them;

(8) *(paragraph repealed)*;

(9) *(paragraph repealed)*;

(10) *(paragraph repealed)*;

(10.1) *(paragraph repealed)*;

(11) *(paragraph repealed)*;

(12) *(paragraph repealed)*;

(13) determining cases where a person may hunt or disturb big game in its yard;

(14) determining the provisions of a regulation the infringement of which constitutes an offence;

(15) *(paragraph repealed)*;

(16) prescribing norms and obligations respecting the transportation, possession and registration of animals or fish and fixing, according to species, the fees exigible for the registration;

(17) *(paragraph repealed)*;

(18) determining for an area, territory or place the safety conditions required for the practice of hunting, fishing or trapping activities;

(19) *(paragraph repealed)*;

(20) determining the conditions for trapping and the norms used for establishing the minimum and maximum numbers of fur-bearing animals that may be captured in a territory where only trapping rights are granted;

(21) *(paragraph repealed)*;

(22) fixing the norms and conditions respecting the capture of animals to be kept in captivity, the keeping of animals in captivity, the killing and, where such is the case, the disposal of animals, and fixing their number;

(23) determining the conditions required for importing or exporting an animal, fish or pelt to or from Québec or prohibiting the importing of any animal it may indicate;

(24) creating reserves for trapping fur-bearing animals and prescribe therefor special conditions for trapping;

(25) *(paragraph repealed)*.

1983, c. 39, s. 162; 1984, c. 27, s. 108; 1984, c. 47, s. 51; 1986, c. 109, s. 31; 1987, c. 31, s. 2; 1988, c. 39, s. 35; 1989, c. 37, s. 54; 1992, c. 15, s. 15; 1993, c. 32, s. 22; 1988, c. 24, s. 6; 1996, c. 62, s. 40; 1996, c. 60, s. 84; 1998, c. 29, s. 22; 2000, c. 48, s. 36; 2003, c. 8, s. 6; 2006, c. 3, s. 35; 2009, c. 49, s. 31.

### ***Not in force***

**162.1.** The Minister may, to the extent provided in a federal statute respecting fisheries, make regulations classifying the fishing licences provided for therein, determining the form of such licences and the conditions



attached to them, in particular as regards issuance, suspension and revocation, and determining issuance fees for such licences according to their class.

1996, c. 18, s. 13.

**163.** In addition to the other powers conferred upon the Minister by this Act, the Minister may make regulations

(1) determining classes of licences, certificates, authorizations and leases, as well as their content and duration and the conditions for their issue, replacement, renewal or transfer;

(2) limiting the number of licences or leases of each class for a zone, territory or place the Minister specifies, and determining the number of licences or leases of each class that a person is authorized to issue under section 54 for that zone, territory or place;

(3) establishing the requirements that a holder of a licence, certificate, authorization or lease must satisfy;

(4) setting the fees or maximum fees payable for the issue, replacement, renewal or transfer of a licence, certificate, authorization or lease, as well as the fees or maximum fees payable for late payments or for administrative services involved in the processing of applications;

(5) setting the fees or maximum fees payable for registration in a draw for a trapping licence or a lease of exclusive trapping rights;

(6) determining, for the purposes of section 30, the cases in which a person may attract or attempt to attract an animal or class of animals, for any reason, by the use of a substance, object, animal or domestic animal, on the conditions the Minister determines;

(7) determining, for the purposes of section 30, the cases in which a person may feed or attempt to feed an animal or class of animals, on the conditions the Minister determines;

(8) setting, for each pelt from an animal hunted or trapped, whether undressed, dressed or received on consignment by an intermediary for its sale or trade, the royalties that the holder of a licence referred to in section 53 must pay;

(9) setting, for the purposes of the second paragraph of section 54 and the second paragraph of section 155.2, for each class of licence, the amount of the contribution toward the funding of the Fondation de la faune du Québec;

(10) determining, for the purposes of the second paragraph of section 67, the cases in which an animal that causes damage to property or must be moved in the public interest may be killed or captured, on the conditions the Minister determines;

(11) determining, for the purposes of section 68, the animals that must be released, reported to a wildlife protection officer or disposed of in any other manner, and the conditions governing their release or other manner of disposal; and

(12) determining among the provisions of a regulation made by the Minister under this Act those the violation of which constitutes an offence.

The Minister may, in exercising regulatory powers or for the purposes of this Act, determine classes of animals and the animals in each class, and vary fees according to the class of licence or category of persons, a person's age, the activity being carried on, the wildlife species being hunted, fished or trapped, and the duration of the recreational, hunting, fishing or trapping activity, the sector or place where the activity is carried on and the period or date of the activity

1983, c. 39, s. 163; 1986, c. 109, s. 32; 1988, c. 39, s. 36; 2009, c. 49, s. 32.

**164.** A regulation made under sections 26.1 or 56 or under any of subparagraphs 1 to 3, 6, 7 and 10 to 12 of the first paragraph of section 163 is not subject to the publication requirements set out in section 8 of the Regulations Act (chapter R-18.1).

The following are not subject to the requirements of the Regulations Act: a by-law made by an agency that is party to a memorandum of agreement under subparagraph 9 of the first paragraph of section 110; a by-law made by the Société or by an agency or body that is party to a contract referred to in section 118 or 120 under subparagraph 7 of the first paragraph of section 121; a regulation made by the Minister under section 110.2 or 121.2; and a fish-stocking plan established by the Minister under section 73.1.

1983, c. 39, s. 164; 1986, c. 109, s. 33; 1988, c. 39, s. 37; 1998, c. 29, s. 23; 1999, c. 36, s. 118; 2004, c. 11, s. 35; 2009, c. 49, s. 33.

## CHAPTER VII

### PENAL PROVISIONS

**165.** Every person who contravenes

(1) in respect of big game, any provision of section 30, 38, 59 or 67 or of a regulation made under paragraph 4 of section 56;

(2) in respect of fish or animals other than big game, any provision of section 27, 30.1 or 30.4, the first paragraph of section 56, paragraph 2 of section 57, the first paragraph of section 69, section 71 or of a regulation made under subparagraph 1, 2 or 3 of the third paragraph of section 56;

(3) any provision of section 30.2, 30.3, 42, 43, 46, 48, 49, 50, 53, 55, 72, 78.2 or 78.4 or paragraph 1 or 3 of section 57;

is guilty of an offence and is liable, for a first offence, to a fine of not less than \$500 nor more than \$1,475 and, for any subsequent offence within three years under the same provision, to a fine of not less than \$1,475 nor more than \$4,375.

In the case of a subsequent offence, the judge may sentence the offender to imprisonment for a term of not more than 90 days, notwithstanding article 231 of the Code of Penal Procedure (chapter C-25.1).

1983, c. 39, s. 165; 1984, c. 47, s. 52; 1986, c. 58, s. 25; 1986, c. 109, s. 34; 1990, c. 4, s. 335; 1991, c. 33, s. 26; 1992, c. 15, s. 16; 1996, c. 18, s. 14; 1996, c. 62, s. 41; 1998, c. 29, s. 24; 2000, c. 48, s. 32; 2009, c. 49, s. 34.

**166.** Every person who contravenes

(1) in respect of fish or animals other than big game, any provision of section 30, 34, 38 or 67, or

(2) any provision of section 1.4, 26, 39, 41, 45 or 68 or of a regulation under section 29

is guilty of an offence and is liable, for a first offence, to a fine of not less than \$250 nor more than \$750 and, for any subsequent offence within three years under the same provision, to a fine of not less than \$750 nor more than \$2,200.

1983, c. 39, s. 166; 1986, c. 58, s. 26; 1986, c. 109, s. 35; 1990, c. 4, s. 336; 1991, c. 33, s. 27; 2002, c. 82, s. 6.

**167.** Every person who contravenes

(1) in respect of big game, any provision of section 27, 28, 30.1, 30.4, 34 or 60, the first paragraph of section 56, subparagraph 2 of section 57, the first paragraph of section 69, section 71 or of a regulation made under subparagraph 1, 2 or 3 of the third paragraph of section 56,

(2) any provision of section 31 or 32, the third paragraph of section 47, the first paragraph of section 70, the first paragraph of sections 109, 120 and 126, section 176 or of a regulation made under paragraph 1 or 3 of section 73, or

(3) a fish-stocking plan established under section 73.1,

is guilty of an offence and is liable to a fine of not less than \$1,825 nor more than \$5,475 for the first offence.

For any subsequent offence within three years of conviction for an offence under the same provision, the offender is liable, to a fine of not less than \$5,475 nor more than \$16,400 and the judge may, in addition, condemn him to imprisonment for a term of not more than one year, notwithstanding article 231 of the Code of Penal Procedure (chapter C-25.1).

For the application of the penalty prescribed in the case of a subsequent offence in respect of big game, a previous conviction for an offence under any of sections 27, 28, 31, 32 and 60 or under subparagraph 2 of section 57 constitutes a first offence.

1983, c. 39, s. 167; 1986, c. 58, s. 27; 1986, c. 109, s. 36; 1990, c. 4, s. 337; 1991, c. 33, s. 28; 1996, c. 18, s. 15; 1996, c. 62, s. 42; 1998, c. 29, s. 25; 2000, c. 48, s. 33; 2009, c. 49, s. 35.

**167.1.** Every person who contravenes a provision of section 52 is guilty of an offence and is liable, for a first offence, to a fine of not less than \$1,825 nor more than \$5,475 and, for any subsequent offence, to a fine of not less than \$5,475 nor more than \$16,400.

2000, c. 48, s. 34.

**168.** Upon pronouncing a conviction for an offence under any of the provisions of this Act or the regulations thereunder, a judge may order the confiscation of the property seized under section 16 of this Act.

Prior notice of the application for confiscation shall be given by the prosecutor to the person from whom the property was seized and to the defendant, except where they are in the presence of the judge.

However, such conviction entails the confiscation of the seized animal, pelt or fish.

1983, c. 39, s. 168; 1984, c. 47, s. 53; 1986, c. 95, s. 114; 1992, c. 61, s. 228.

**169.** Every wildlife protection officer, officer contemplated in section 3, wildlife protection assistant or area warden who, in the discharge of his duties, commits an offence against this Act or the regulations thereunder or any other Act respecting hunting, trapping or fishing is liable, on an application by the prosecutor which is attached to the statement of offence, in addition to the fines prescribed for such an offence, to an additional fine

(1) of not less than \$275 nor more than \$775 in the case of conviction for an offence against any provision referred to in section 165;

(2) of not less than \$1,275 nor more than \$3,825 in the case of conviction for an offence against any provision referred to in section 167.

1983, c. 39, s. 169; 1986, c. 58, s. 28; 1991, c. 33, s. 29; 1992, c. 61, s. 229; 1996, c. 62, s. 43; 2000, c. 48, s. 36; 2009, c. 49, s. 43.

**170.** Every person who knowingly performs or omits to perform an act in view of aiding a person to commit an offence or who advises, encourages or incites a person to commit an offence is himself party to the offence and liable to the same penalty as that provided for the person who has committed the offence, whether or not the latter has been prosecuted or found guilty.

1983, c. 39, s. 170.

**171.** Every person who contravenes

(1) in respect of animals other than big game, any provision of a regulation made under subparagraph 4 of section 56, or

(2) any provision of section 12, the second or fourth paragraph of section 13.1, the second paragraph of section 13.2, section 22, 33, 36, 36.1, 40, 61, 78.5, 96, 105, 112 or 123, the second paragraph of section 70.1, the first paragraph of section 175 or of a regulation for which no penalty is specifically provided,

is guilty of an offence and is liable to a fine of not less than \$250 nor more than \$750 for the first offence, and, for any subsequent offence within three years of conviction for an offence under the same provision, to a fine of not less than \$750 nor more than \$2,200.

1983, c. 39, s. 171; 1984, c. 47, s. 54; 1986, c. 58, s. 29; 1986, c. 109, s. 37; 1988, c. 39, s. 38; 1990, c. 4, s. 338; 1991, c. 33, s. 30; 1996, c. 18, s. 16; 1996, c. 62, s. 44; 1998, c. 29, s. 26; 2000, c. 48, s. 35; 2009, c. 49, s. 36.

**171.1.** Notwithstanding the provisions of sections 165 to 167 and 171, where an offence has been committed in respect of a threatened or vulnerable species of animal or fish, the offender is liable to a fine of not more than \$20,000 for a first offence and a fine of not more than \$40,000 in the case of any subsequent offence.

1986, c. 109, s. 38; 1989, c. 37, s. 55.

**171.2.** Every person who contravenes section 128.6 or an order made under section 128.15 or fails to observe a condition attached to an authorization issued under section 128.7, 128.8 or 128.9 or a standard or condition of wildlife habitat management prescribed by regulation is guilty of an offence and liable,

(1) in the case of a natural person, to a fine of \$500 to \$20,000 and, in the case of a second or subsequent conviction within three years, to a fine of \$1,000 to \$40,000; in addition, in the latter case, the judge may order imprisonment for not more than one year, notwithstanding article 231 of the Code of Penal Procedure (chapter C-25.1);

(2) in any other case, to a fine of \$1,000 to \$40,000 and, in the case of a second or subsequent conviction within three years, to a fine of \$2,000 to \$80,000.

1988, c. 24, s. 7; 1989, c. 37, s. 56; 1990, c. 4, s. 339.

**171.3.** The owner of private land on which a wildlife habitat demarcated on a chart prepared by the Minister is situated cannot be convicted of an offence under section 128.6 or for contravention of a standard or condition of wildlife habitat management prescribed by regulation unless he had prior notification of the existence of the habitat.

The Minister may request the registration, in the land register, of a reference to the existence of a wildlife habitat on the land. The request of the Minister is made by means of a notice filed at the registry office; such notice shall be in lieu of a notice of the existence of a wildlife habitat on that land in respect of any person who becomes the owner thereof after the registration.

1988, c. 24, s. 7; 1996, c. 62, s. 45; 1999, c. 36, s. 119; 2000, c. 42, s. 151; 2004, c. 11, s. 37.

**171.4.** Every person who refuses or neglects to provide information required under this Act or the regulations to a person who may so require pursuant to this Act or the regulations is guilty of an offence and is liable to a fine of not less than \$250 nor more than \$750.

Every person who provides information required under this Act or the regulations, with the knowledge that it is false or misleading, to a person other than a person referred to in section 12 and who is authorized to require it is guilty of an offence and is liable to the fine set out in the first paragraph.

1988, c. 24, s. 7; 1990, c. 4, s. 340; 1996, c. 62, s. 46.

**171.5.** Where an offender has been convicted of an offence described in section 171.2 and the judge has not exercised the power to make an order under section 171.5.1, the Minister may, at the expense of the offender, particularly, but not exclusively, by confiscating the security furnished by the holder of an authorization, take the necessary measures to return the wildlife habitat to its condition before the offending act.

The Minister may claim the expenses for the measures from the offender in the same manner as any debt due to the Government.

1988, c. 24, s. 7; 1999, c. 36, s. 120; 2004, c. 11, s. 37; 2009, c. 49, s. 37.

**171.5.1.** Where an offender has been convicted of an offence described in section 171.2, the judge may, provided an application for an order has been made in the offender's presence or the offender has been given prior notice by the prosecutor, order that the offender, at the offender's expense and within a specified time, take the measures necessary to restore the premises to the state they were in prior to the offence or, if applicable, to bring the work carried out into line with the regulatory requirements. The judge may also order the seizure of security furnished under section 128.7 by the holder of an authorization, until the order has been executed to the Minister's satisfaction.

If the offender fails to comply with an order referred to in the first paragraph, the Minister may, at the offender's expense, proceed with the restoration of the premises. To that end, any security furnished under section 128.7 is confiscated up to the amount of the costs occasioned by the restoration.

If the premises cannot be restored, the judge may, on an application by the prosecutor, order that an additional amount be paid to an organization dedicated to the conservation, protection, improvement, restoration or development of wildlife habitats so that it may create a replacement habitat or other type of wildlife habitat in the region where the offence was committed. The additional amount must reflect the degree of degradation of the premises. The judge may also order the confiscation of any security furnished under section 128.7, up to the additional amount.

2009, c. 49, s. 38.

**171.6.** Penal proceedings for an offence under a provision of this Act may not be brought later than two years after the date the offence was committed, except an offence under the provisions of section 128.6 for which no penal proceedings may be brought later than two years after the date the offence was ascertained.

1992, c. 61, s. 230; 2009, c. 49, s. 39.

**171.7.** A municipality which is a party to a memorandum of agreement in accordance with section 128.16 may, in respect of activities provided for in the memorandum, institute proceedings for a violation of section 171.2 or 171.4, in which case the fine shall be paid to the municipal body.

1988, c. 24, s. 8; 1992, c. 61, s. 233; 2000, c. 56, s. 137.

## CHAPTER VII.1

### ADMINISTRATIVE PENALTIES

1992, c. 61, s. 231.

**172.** A conviction for an offence committed contrary to this Act or the regulations thereunder may entail, as the judge decides, the suspension of the offender's certificate or hunting or trapping licence or licence of another class or, as the case may be, a prohibition against applying therefor for a period of not more than 24 months from the date of conviction.

Prior notice of the application for suspension shall be given to the offender by the prosecutor, except where the parties are in the presence of the judge.

Notwithstanding the first paragraph, in the case of big game, any conviction for an offence committed against a provision of section 27, 28, 30, 30.1, 30.2, 30.4, 31, 32, 34, 38, 59, 60 or 71, the first paragraph of section 56, subparagraph 2 of section 57, the first paragraph of section 69 or of the regulations made under section 56, entails, *pleno jure*, the revocation of any certificate or hunting or trapping licence held by the offender or, as the case may be, a prohibition against applying therefor for a period of 24 months from the date of conviction.

In the case of a subsequent offence within three years of conviction for an offence under the same provision, the period of suspension, revocation or prohibition shall be twice the period provided in this section.

In the case of a third offence within three years of the first conviction for an offence under the same provision, the period of suspension, revocation or prohibition shall be three times the period provided in this section.

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1983, c. 39, s. 172; 1986, c. 109, s. 39; 1992, c. 61, s. 232; 2009, c. 49, s. 40.

**173.** A conviction for an offence committed against section 70 entails, *pleno jure*, the revocation of the licence of the offender described in section 48, for a period of three months from the date of conviction.

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1983, c. 39, s. 173.

**174.** The licence or, as the case may be, the certificate of a person convicted of an offence committed against any provision of this Act or the regulations thereunder, while his licence or, as the case may be, his certificate is already revoked or suspended, is, as the case may be, revoked *pleno jure* or, notwithstanding section 172, suspended *pleno jure* for an additional period of 24 months subsequent to the first revocation or suspension.

Every person prohibited from holding a certificate or a licence who is convicted of an offence under this Act or the regulations while the prohibition is in effect shall be prohibited from applying for a certificate or a licence for an additional period of 24 months subsequent to the first period of prohibition.

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1983, c. 39, s. 174; 1986, c. 109, s. 40.

**175.** The holder of a licence or certificate that has been revoked or suspended must, when a notice to that effect is notified to him, forward his revoked or suspended licence or certificate within 15 days to the address indicated in the notice.

At the end of the period of revocation, a person must comply with the conditions established by regulation for obtaining a certificate or licence.

At the end of the period of suspension, a person may reclaim his certificate or licence from the Minister.

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1983, c. 39, s. 175; 1999, c. 36, s. 121; 2004, c. 11, s. 37; I.N. 2016-01-01 (NCCP).

**176.** In no case may a person whose certificate or hunting or trapping licence or licence of another class has been revoked or suspended or a person prohibited from holding a certificate or licence apply, during the period of revocation, suspension or prohibition, for a certificate or licence of the same class issued under this Act.

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1983, c. 39, s. 176; 1986, c. 109, s. 41.

**177.** The Minister may suspend, revoke, amend or refuse to renew an outfitter's licence

(1) if the lease of exclusive hunting, fishing or trapping rights of the licence holder has not been renewed or has been cancelled or amended;

(2) if the licence holder, including any shareholder, officer or director of a legal person that is the licence holder, has been convicted of an offence against this Act or its regulations, against any other Act or regulation concerning hunting, fishing, trapping or outfitting, or against the Environment Quality Act (chapter Q-2), the Consumer Protection Act (chapter P-40.1) or the Public Buildings Safety Act (chapter S-3);

(3) if the licence holder fails to provide the lodging, services or equipment necessary for the carrying on of the activity concerned and for which the person has paid.

The Minister may revoke, suspend or refuse to renew any licence contemplated in section 48, 49 or 50 where the holder fails to comply with the conditions determined by regulation or, in the case of section 48, where he refuses or neglects to comply with an order given by the Minister under section 75.

The Minister, before deciding to revoke, suspend, amend or refuse to renew a licence, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the person at least 10 days to present observations.

1983, c. 39, s. 177; 1988, c. 39, s. 39; 1990, c. 4, s. 341; 1996, c. 62, s. 47; 1997, c. 43, s. 211; 1999, c. 36, s. 122; 2004, c. 11, s. 37; 2009, c. 49, s. 41.

### **178.** *(Repealed).*

1983, c. 39, s. 178; 1990, c. 4, s. 342.

### **178.1.** *(Section renumbered).*

1988, c. 24, s. 8; 1992, c. 61, s. 233.



*See section 171.7.*

### **179.** *(Repealed).*

1983, c. 39, s. 179; 1992, c. 61, s. 234.

### **180.** *(Repealed).*

1983, c. 39, s. 180; 1992, c. 61, s. 234.

### **181.** *(Repealed).*

1983, c. 39, s. 181; 1992, c. 61, s. 234.

### **182.** *(Repealed).*

1983, c. 39, s. 182; 1992, c. 61, s. 234.

### **183.** *(Repealed).*

1983, c. 39, s. 183; 1992, c. 61, s. 234.

## **CHAPTER VIII**

### **TRANSITIONAL AND FINAL PROVISIONS**

**184.** The provisions of the Wild-life Conservation Act (chapter C-61) are replaced by the corresponding provisions of this Act on the date of their coming into force and to the extent indicated by the proclamations made under section 197 of chapter 39 of the statutes of 1983.

1983, c. 39, s. 184.

**185.** This Act applies subject to the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

1983, c. 39, s. 185.

**186.** Every provision of a regulation, order in council or order made by the Government under the Wild-life Conservation Act (chapter C-61), continues to be in force to the extent that it is consistent with this Act.

1983, c. 39, s. 186.

**186.1.** The Regulation respecting beaver reserves made under subparagraph 7 of section 65 of the Game Act (R.S.Q., 1964, chapter 202), is in force and is deemed to have always been in force from the time it was made until 20 June 1984.

The Regulation remains in force until it is repealed or replaced by a regulation made under this Act.

1984, c. 27, s. 109.

**187.** Every lease granted pursuant to the Wild-life Conservation Act (chapter C-61) remains in force until the date on which it would have expired.

Such a lease is governed and renewed in accordance with this Act.

1983, c. 39, s. 187.

**188.** *(Repealed).*

1983, c. 39, s. 188; 1994, c. 13, s. 15; 1994, c. 17, s. 44; 1999, c. 36, s. 123.

**189.** Every licence issued under the Wild-life Conservation Act (chapter C-61) remains in force until the date on which it would have expired under the said Act, and its holder, until that date, may engage in the activities authorized by the licence, subject to this Act and the regulations thereunder.

1983, c. 39, s. 189.

**190.** Every person who is in possession of an animal on 6 June 1984, must, not later than 6 June 1986, comply with this Act.

1983, c. 39, s. 190.

**191.** Any proceedings brought under the Wild-life Conservation Act (chapter C-61) is continued in accordance with the said Act.

1983, c. 39, s. 191.

**191.1.** Regulations made by the Government under sections 85, 104, 111 and 122 of this Act before 1 January 1987 shall continue to be in force until they are replaced, amended or repealed by an order of the Government.

From 17 June 1998, those regulations may be replaced or repealed by order of the Minister.

1986, c. 109, s. 42; 1998, c. 29, s. 27; 1999, c. 36, s. 124.

**191.2.** *(Repealed).*

1988, c. 39, s. 40; 2009, c. 49, s. 42.



**192.** The Minister of Natural Resources and Wildlife is responsible for the administration of this Act, except sections 42 and 43, which come under the administration of the minister designated by the Government, to the extent determined by the Government.

1983, c. 39, s. 192; 1994, c. 17, s. 45; 1999, c. 36, s. 125; 2004, c. 11, s. 36; 2006, c. 3, s. 35.



*The functions of the Minister of Natural Resources and Wildlife provided for in this Act as well as the administration of sections 42 and 43 are assigned to the Minister of Forests, Wildlife and Parks except those responsibilities assigned to the Minister of Agriculture, Fisheries and Food by Order in Council 418-2014 dated 7 May 2014 as mentioned below. Order in Council 420-2014 dated 7 May 2014, (2014) 146 G.O. 2 (French), 1906.*

*The Minister of Agriculture, Fisheries and Food is responsible for the administration of section 42 of this Act concerning receipt of the report provided for in paragraph 5 of section 26 of the Regulation respecting licences to keep animals in captivity (chapter C-61.1, r. 20.1) and filed by the holder of a game ranch licence for various species issued for the keeping in captivity of animals of the various species listed in Schedule II to the Regulation. Order in Council 418-2014 dated 7 May 2014, (2014) 146 G.O. 2 (French), 1905.*

*The Minister of Agriculture, Fisheries and Food is responsible for the administration of section 54 of this Act concerning the issuance of a game ranch licence for various species issued for the keeping in captivity of animals of the various species listed in Schedule II to the Regulation respecting licences to keep animals in captivity. Order in Council 418-2014 dated 7 May 2014, (2014) 146 G.O. 2 (French), 1905.*

**193.** *(Amendment integrated into c. D-13.1, s. 3).*

1983, c. 39, s. 193.

**194.** *(Amendment integrated into c. D-13.1, s. 4).*

1983, c. 39, s. 194.

**195.** *(Amendment integrated into c. P-9, s. 15).*

1983, c. 39, s. 195.

**196.** *(This section ceased to have effect on 6 June 1989).*

1983, c. 39, s. 196; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

**197.** *(Omitted).*

1983, c. 39, s. 197.

### REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 39 of the statutes of 1983, in force on 1 July 1984, is repealed, except section 197, effective from the coming into force of chapter C-61.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 140 and 141 of chapter 39 of the statutes of 1983, in force on 1 March 1986, are repealed effective from the coming into force of the updating to 1 March 1986 of chapter C-61.1 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), section 148 of chapter 39 of the statutes of 1983, in force on 1 March 1988, is repealed effective from the coming into force of the updating to 1 March 1988 of chapter C-61.1 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 49, 51, 75, 76 and 149 of chapter 39 of the statutes of 1983, in force on 1 March 1989, are repealed effective from the coming into force of the updating to 1 March 1989 of chapter C-61.1 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), section 29 of chapter 39 of the statutes of 1983, in force on 1 March 1990, is repealed effective from the coming into force of the updating to 1 March 1990 of chapter C-61.1 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 42, 67 and 68 of chapter 39 of the statutes of 1983, in force on 1 March 1993, are repealed effective from the coming into force of the updating to 1 March 1993 of chapter C-61.1 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), section 26 of chapter 39 of the statutes of 1983, in force on 1 September 1993, is repealed effective from the coming into force of the updating to 1 September 1993 of chapter C-61.1 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), section 43 of chapter 39 of the statutes of 1983, in force on 1 April 2000, is repealed effective from the coming into force of the updating to 1 April 2000 of chapter C-61.1 of the Revised Statutes.