



## **LEGISLATIVE ASSEMBLY OF NEW BRUNSWICK**

### **Third Session, 56<sup>th</sup> Legislative Assembly**

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**ORDER AND NOTICE PAPER - Sitting No. 35**  
**Thursday, April 23, 2009**

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### **ROUTINE PROCEEDINGS**

Prayers  
Condolences and Messages of Sympathy (*Prior Notice to Speaker*)  
Introduction of Guests  
Messages of Congratulation and Recognition (10 minutes)  
Presentations of Petitions  
Answers to Petitions and Written Questions  
Presentations of Committee Reports  
Tabling of Documents  
Statements by Ministers  
Statements by Members (10 minutes)  
Oral Questions (30 minutes)  
Introduction of Bills  
Notices of Motions  
Notice of Opposition Members' Business  
Government Motions for the Ordering of the Business of the House  
Orders of the Day

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### **ORDERS OF THE DAY**

#### **OPPOSITION MEMBERS' BUSINESS**

**[Order in accordance with notice provided pursuant to Standing Rule 44(4)]**

## OPPOSITION MEMBERS' MOTIONS

### *Debatable Motions*

**Motion 52 by Mr. MacDonald**, seconded by Mr. Urquhart to propose the following resolution on Thursday, April 23, 2009:

WHEREAS the Mactaquac Provincial Park was built as part of a historic commitment by Premier Louis J. Robichaud to the people of York County; and

WHEREAS the Mactaquac Provincial Park has served as a key employer in the York County Region for both year-round and seasonal employees; and

WHEREAS the Provincial Park hosts an average of 18,000 visitors during the winter season alone and is a vital economic aspect of the York County region during all seasons of the year for both employment and revenue generated by the visitors; and

WHEREAS the Mactaquac Provincial Park facility also serves as a key supplier of water for local fire departments during all four seasons of operation; and

WHEREAS the employees of the park are also an integral part of the Remembrance Day ceremonies at the portion of the Mactaquac Park known as York Centennial; and

WHEREAS the proposed cuts to the provincial park budget for the winter season will negatively effect the operation and maintenance of the park during the spring and fall seasons and hinder the quality of service provided during the busy summer months; therefore

BE IT RESOLVED that this Legislative Assembly urge the provincial government to meet with the employees and key stakeholders of the Mactaquac Provincial Park to determine alternate methods of generating increased revenue and alternate methods to reduce costs to ensure that this critical facility remains open year-round to serve all the people of New Brunswick that use this park throughout the year to enhance their physical wellness and to enjoy the beauty of the Mactaquac Region.

## OPPOSITION MEMBERS' PUBLIC BILLS

### *Adjourned Debates*

Resuming the adjourned debate on the motion that Bill 50, *Uranium Moratorium Act* [Mr. Betts] be now read a second time.

## OPPOSITION MEMBERS' MOTIONS

### *Debatable Motions*

**Motion 54 by Mr. Alward**, seconded by Mr. Fitch to propose the following resolution on Thursday, April 23, 2009:

WHEREAS economies across Canada have been in a state of decline during recent months and local, provincial and federal governments have been searching for tools to infuse money into regions to generate more stable financial markets; and

WHEREAS the province of New Brunswick is currently facing an extremely difficult financial position with yearly deficits increasing and the provincial net debt growing at an unsustainable rate that will have negative impacts on the province's finances for decades and generations to come; and

WHEREAS research and development funds must be a key component to revitalizing the New Brunswick economy by investing money in education, technology, infrastructure, and industry; and

WHEREAS New Brunswick currently ranks as one of the lowest amongst all Canadian Provinces for investments in research and development from federal, provincial, business, non-profit organizations, higher education, and foreign investment sectors; therefore

BE IT RESOLVED that this Legislative Assembly urge the government to seek out every available resource for increased funding including new federal, provincial, and private industry funds so that this vital component of our economy can help New Brunswickers and our businesses revitalize our provincial economy in order to return this province to one of job creation, prosperity, and a leader in technology, research and development of world class products and services.

**Motion 26 by Mr. MacDonald**, seconded by Mr. Northrup to propose the following resolution on Thursday, December 18, 2008:

WHEREAS New Brunswick's forest industry is undergoing unprecedented changes and hardships; and

WHEREAS these hardships are being felt by thousands of New Brunswickers including the 40,000 woodlot-owning families; and

WHEREAS the seven regional woodlot marketing boards and the Federation of Woodlot Owners are also being negatively impacted by the economic crisis facing the industry; and

WHEREAS these eight organizations provide considerable support and services to the industry, including silviculture, certification, education and training, market development, forest management, administration of government programs, non-timber forest products, woodlot owner rights, and day-to-day inquiries; and

WHEREAS in 2007, the Self-Sufficiency Task Force recommended that the Government should "*support private woodlot marketing boards in strengthening their role with respect to silviculture, certification, education and market development,*" and that said recommendation should be acted upon within one year; and

WHEREAS in January 2008, the Government of Canada provided the Government of New Brunswick with \$30 million through the Community Development Trust; and

WHEREAS the province and the forestry industry would benefit from having strong private woodlot marketing boards and a strong federation; therefore

BE IT RESOLVED that this Legislative Assembly urge the government to consider the advisability of providing a one per cent per acre tax sharing on the private woodlot land base to the Federation of Woodlot Owners and another one cent per acre tax sharing on the private woodlot land base to the regional marketing boards as a source of sustainable funding; and, that said tax sharing, if implemented, remain in place for a period of three years.

**[Debate interrupted due to expiration of time.]**

## **GOVERNMENT BILLS AND ORDERS**

### **GOVERNMENT BILLS FOR SECOND READING**

#### ***Bills Ordered for Second Reading***

Bill 46, An Act to Amend the New Brunswick Income Tax Act  
- Hon. Mr. V. Boudreau

#### ***Bills to be Ordered for Second Reading***

Bill 49, An Act to Amend the Retirement Plan Beneficiaries Act  
- Hon. Mr. V. Boudreau

#### ***Adjourned Debates***

Resuming the adjourned debate on the motion that Bill 45, *An Act to Amend the Real Property Tax Act* [**Hon. Mr. V. Boudreau**] be now read a second time.

## **COMMITTEE OF THE WHOLE**

Bill 26, Species at Risk Act - Hon. Mr. Stiles  
 Bill 27, An Act to Amend the Gasoline and Motive Fuel Tax Act  
     - Hon. Mr. V. Boudreau  
 Bill 31, Demise of Crown Act - Hon. Mr. Burke, Q.C.  
 Bill 32, An Act to Amend the Salvage Dealers Licensing Act - Hon. Mr. Foran  
 Bill 35, An Act to Amend the Nursing Homes Act - Hon. Mrs. Schryer  
 Bill 36, An Act to Amend the Motor Vehicle Act - Hon. Mr. Foran  
 Bill 38, An Act to Amend the Corrections Act - Hon. Mr. Foran  
 Bill 39, An Act to Amend the Crown Lands and Forests Act - Hon. Mr. Stiles  
 Bill 43, An Act to Amend the Tuition Tax Cash Back Credit Act  
     - Hon. Mr. V. Boudreau

Bill 44, An Act to Amend the Small Business Investor Tax Credit Act  
- Hon. Mr. V. Boudreau

Bill 47, An Act to Amend the Smoke-free Places Act - Hon. Mr. Murphy, Q.C.

Bill 48, An Act to Amend the Tobacco Sales Act - Hon. Mr. Murphy, Q.C.

## **BILLS STANDING REFERRED TO STANDING COMMITTEE ON LAW AMENDMENTS**

Bill 28, Limitation of Actions Act - Hon. Mr. Burke, Q.C.

## **PRIVATE BILLS STANDING REFERRED TO STANDING COMMITTEE ON PRIVATE BILLS**

Bill 29, An Act Respecting the New Brunswick College of Dental Hygienists  
- Mr. Collins

Bill 34, An Act to Provide for the Amalgamation of the Trustees of Certain  
Presbyterian Churches in Saint John, New Brunswick - Mr. Holder

Bill 37, An Act to Amend An Act to Incorporate The New Brunswick Registered  
Barbers' Association - Mr. A. LeBlanc

Bill 42, An Act Respecting The Roman Catholic Bishop of Saint John  
- Ms. Robichaud

## **BILLS AWAITING ROYAL ASSENT**

Bill 41, Essential Services in Nursing Homes Act - Hon. Mrs. Schryer

## **COMMITTEE OF SUPPLY**

Main Estimates 2009 - 2010

Capital Estimates 2009 - 2010

Supplementary Estimates 2008-2009 Volume I (Adopted December 10, 2008)

Supplementary Estimates 2007-2008 Volume III (Adopted December 10, 2008)

## GOVERNMENT MOTIONS

### CONCLUDED

**Motion 8 by Hon. Mr. Murphy, Q.C.** Carried November 26, 2008.

**Motion 16 by Hon. Mr. V. Boudreau.** Debated and carried December 9, 2008.

**Motion 24 by Hon. Mr. Burke, Q.C.** Debated and carried December 16, 2008.

**Motion 29 by Hon. Mr. V. Boudreau.** Debated March 19, 20, 24, 25 and 27  
and carried March 27, 2009.

**Motion 31 by Hon. Mr. Murphy, Q.C.** Carried December 17, 2008.

**Motion 34 by Hon. Mr. Murphy, Q.C.** Carried December 18, 2008.

**Motion 38 by Hon. Mr. Byrne, Q.C.** Carried March 18, 2009.

**Motion 55 by Hon. Mr. Graham.** Debated and carried April 17, 2009.

## MOTIONS BY GOVERNMENT PRIVATE MEMBERS

### CONCLUDED

**Motion 48 by Mr. Collins.** Withdrawn April 3, 2008.

## OPPOSITION MEMBERS' MOTIONS

### *Motions for Returns*

**Motion 3 by Mr. Steeves,** seconded by Mr. Urquhart to propose the following resolution on Thursday, December 4, 2008:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all financial information detailing the full cost to change and implement the Government's new logo for each department and agency including the cost associated with updating websites, business cards, letterhead and any other government material on which the New Brunswick logo was changed for use.

**Motion 18 by Mr. Robichaud,** seconded by Mr. Alward to propose the following resolution on Thursday, December 11, 2008:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all documents, receipts, and account statements, in short, all documents in the possession of the Legislative Assembly related to the Government House Leader's comments to the effect that the length of the last session cost the government hundreds of thousands of extra dollars.

**Motion 20 by Mr. Steeves**, seconded by Mr. Alward to propose the following resolution on Thursday, December 11, 2008:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all information in the possession of government however recorded or stored related to any government contract or spending by any department, agency or corporation on advertising by any means, including any information related to advertising costs from Ministers promoting their position within any department agency or corporation since December 30, 2007.

**Motion 32 by Mrs. Blaney**, seconded by Mr. Williams to propose the following resolution on Thursday, December 25, 2008:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all information, in any format, in the possession of the Government related to advertising purchased to promote the Department of Health, services the Department provides or the Minister responsible since March 1<sup>st</sup>, 2008 to December 18<sup>th</sup>, 2008.

**Motion 35 by Mrs. Poirier**, seconded by Mr. Alward to propose the following resolution on Thursday, March 26, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all information in the possession of government including emails, memorandum, correspondence of any kind, meeting minutes, market studies or analysis, cost analysis, and all contract information however recorded or stored related to the New Brunswick Liquor Corporation's decision to produce, sell and market *Selection Lager* and *Selection Light* beer through Moosehead Breweries.

**[Documents requested filed April 9, 2009]**

**Motion 36 by Mr. Holder**, seconded by Mr. Robichaud to propose the following resolution on Thursday, March 26, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all information in the possession of government including emails, memorandum, correspondence of any kind and meeting minutes, however recorded or stored related to the government's decision to end the Home Heating Assistance Program and initiate the Warm Hearts Warm Homes program offered through the Salvation Army.

**Motion 37 by Mr. Urquhart**, seconded by Mr. Steeves to propose the following resolution on Thursday, March 26, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all information in the possession of government related to any changes made by the Department of Public Safety regarding emergency measures preparedness related to flooding and emergency response since April 1<sup>st</sup>, 2008.

**[Documents requested filed April 22, 2009]**

**Motion 40 by Mr. Fitch**, seconded by Mr. Alward to propose the following resolution on Thursday, March 26, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all information in the possession of government related to any action, policy change, tasks, communication, memorandum, or meetings that took place within government with regards to implementing the Auditor General's recommendations from the 2007 Volume 1 report.

**[Documents requested filed April 9, 2009]**

**Motion 41 by Mr. Olscamp**, seconded by Ms. Dubé to propose the following resolution on Thursday, March 26, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all information concerning the \$100-million dedicated tourism infrastructure fund set up by this government, and in particular the fund guidelines, the names and workplaces of the employees responsible for administering it, the projected budgets and actual expenditures, a list of projects subsidized by this fund, contracts awarded under this fund, and a list of work carried out without any contract or tender, the dates and location of all work carried out, the start and completion dates of the work, the aim or objective of the work, and, in each case, the number of jobs created.

**[Documents requested filed April 9, 2009]**

**Motion 42 by Mrs. Poirier**, seconded by Mr. Alward to propose the following resolution on Thursday, March 26, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all information concerning any money invested since October 2, 2006, by the Miramichi Economic Development Fund in various projects and initiatives, including the names of any companies, organizations, associations, or groups benefitting from such investments, the conditions these beneficiaries of the development fund had to meet, as well as the objectives of these investments, and the number of jobs created for each project, indicating whether the jobs were permanent or temporary, regular or part-time, and whether they still exist today.

**Motion 43 by Mr. Harrison**, seconded by Mr. Holder to propose the following resolution on Thursday, April 2, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House detailed information including all studies and reports, all correspondence, memorandum, minutes of meetings and public consultation that led to the decision to cancel public ferry services.

**Motion 44 by Mr. Williams**, seconded by Mr. Robichaud to propose the following resolution on Thursday, April 2, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House detailed information, including flight records, final destinations, duration of stay, unscheduled stops, and a list of occupants on each flight, however recorded, stored or archived, by electronic means or otherwise, related to the operation and usage of any provincially leased or owned airplane since June 18, 2008.

**Motion 45 by Mr. C. LeBlanc**, seconded by Mrs. Blaney to propose the following resolution on Thursday, April 2, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all information in the possession of the government including studies, reports, all transport statistics including the number of calls that were in response to 911 emergencies, the number of calls that were between hospitals, the number of calls between nursing homes and hospitals or non-emergency transportation between homes and hospitals related to ambulance service in New Brunswick since April 1<sup>st</sup>, 2005.

**Motion 47 by Mr. Northrup**, seconded by Mr. Fitch to propose the following resolution on Thursday, April 9, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House a list of all 2007 - 2008 Department of Energy exemptions to the *Public Purchasing Act*, a list of all exemptions to the *Public Purchasing Act* within NB Power and a list of all personal service contracts issued through the Department of Energy or NB Power during the same period.

**Motion 49 by Mr. Fitch**, seconded by Mr. Alward to propose the following resolution on Thursday, April 9, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all information in the possession of government however recorded or stored related to any and all expenses related to the promotion of the 2009 - 2010 Provincial Budget including all advertising costs of any nature and services paid to marketing or public relations firms and the names of those companies that were paid for their services.

**Motion 50 by Mrs. Blaney**, seconded by Mr. Alward to propose the following resolution on Thursday, April 9, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all information in the possession of government however recorded or stored related to any and all correspondence, memorandums, or minutes of meetings in any format between the Minister of Health, Canadian Blood Services and any other agency, organization or entity related to New Brunswick's Blood Distribution Centre in Saint John.

**Motion 53 by Mr. Williams**, seconded by Mr. Fitch to propose the following resolution on Thursday, April 23, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House a list of all contracts awarded through the Department of Supply and Services including personal service contracts, that received an exemption under section 27 of the Regulations of the *Public Purchasing Act* including the department that issued the contract, the names of any individuals or companies that received contracts and the dollar amount that was awarded from April 1, 2008 to March 31, 2009.

**Motion 56 by Mr. C. Landry**, seconded by M<sup>me</sup> Dubé to propose the following resolution on Thursday, April 30, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all records and documents in government possession, however recorded or stored, related to any domestic or international travel by the Minister of Education, his staff, or members of his department and the reason for each trip, since October 3<sup>rd</sup>, 2006.

## CONCLUDED:

**Motion 9 by Mr. Alward.** Debated and carried as amended December 4, 2008.

**Motion 21 by Ms. Dubé.** Debated and carried as amended December 18, 2008.

**Motion 39 by Mr. Alward.** Debated and carried as amended March 26, 2009.

**Motion 46 by Mr. Fitch.** Debated and defeated April 2, 2009.

**Motion 51 by Mrs. Blaney.** Debated and carried April 2, 2009.

## WITHDRAWN AS DOCUMENTS TABLED

Motions 1, 2, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 17, 19, 22, 23, 25, 27, 28, 30 and 33 withdrawn March 18, 2009.

## PETITIONS

Petition 1: Mr. C. LeBlanc, November 26, 2008.	(Response, December 10, 2008)
Petition 2: Mr. Steeves, November 26, 2008.	(Response, December 2, 2008)
Petition 3: Mr. Steeves, November 26, 2008.	(Response, December 10, 2008)
Petition 4: Mr. C. LeBlanc, November 28, 2008.	(Response, December 10, 2008)
Petition 5: Mr. Williams, November 28, 2008.	(Response, December 16, 2008)
Petition 6: Mr. C. LeBlanc, December 2, 2008.	(Response, December 15, 2008)
Petition 7: Mr. Urquhart, December 2, 2008.	(Response, December 15, 2008)
Petition 8: Mr. Fitch, December 2, 2008.	(Response, December 19, 2008)
Petition 9: Mr. C. LeBlanc, December 3, 2008.	(Response, December 15, 2008)
Petition 10: Mr. Urquhart, December 3, 2008.	(Response, December 15, 2008)
Petition 11: Mr. C. LeBlanc, December 4, 2008.	(Response, December 23, 2008)
Petition 12: Mr. Harrison, December 4, 2008.	(Response, December 18, 2008)
Petition 13: Mr. Northrup, December 4, 2008.	(Response, December 18, 2008)
Petition 14: Mr. D. Graham, December 4, 2008.	(Response, January 14, 2009)
Petition 15: Mr. C. LeBlanc, December 9, 2008.	(Response, December 18, 2008)
Petition 16: Ms. Dubé, December 10, 2008.	(Response, December 23, 2008)
Petition 17: Mr. Williams, December 11, 2008.	(Response, December 17, 2008)
Petition 18: Mr. Olscamp, December 16, 2008.	(Response, December 19, 2008)
Petition 19: Mr. Betts, December 16, 2008.	(Response, January 6, 2009)
Petition 20: Ms. Poirier, December 17, 2008.	(Response, January 21, 2009)

Petition 21: Mr. Williams, December 17, 2008.	(Response, January 6, 2009)
Petition 22: Mr. Williams, December 18, 2008.	(Response, January 26, 2009)
Petition 23: Mr. Betts, December 18, 2008.	(Response, January 9, 2009)
Petition 24: Mr. Steeves, March 18, 2009.	(Response, April 1, 2009)
Petition 25: Mr. Alward, March 20, 2009.	(Response, April 1, 2009)
Petition 26: Mr. Harrison, March 20, 2009.	(Response, April 3, 2009)
Petition 27: Mr. Northrup, March 24, 2009.	(Response, April 1, 2009)
Petition 28: Mr. Northrup, March 25, 2009.	(Response, April 1, 2009)
Petition 29: Mr. McGinley, March 26, 2009.	(Response, April 9, 2009)
Petition 30: Mr. Northrup, March 26, 2009.	(Response, April 7, 2009)
Petition 31: Hon. Mr. Albert, March 26, 2009.	(Response, April 20, 2009)
Petition 32: Mr. Northrup, March 31, 2009.	(Response, April 7, 2009)
Petition 33: Mr. Betts, April 2, 2009.	(Response, April 22, 2009)
Petition 34: Mr. Williams, April 14, 2009.	(Response, April 22, 2009)
Petition 35: Mr. Betts, April 15, 2009.	(Response, April 22, 2009)
Petition 36: Mr. Williams, April 16, 2009.	(Response, April 22, 2009)
Petition 37: Mr. Harrison, April 17, 2009.	
Petition 38: Mrs. Blaney, April 21, 2009.	
Petition 39: Mr. Holder, April 21, 2009.	
Petition 40: Mr. Harrison, April 21, 2009.	
Petition 41: Mrs. Blaney, April 22, 2009.	
Petition 42: Mr. Holder, April 22, 2009.	

## COMMITTEE REPORTS

- First Report of the Standing Committee on Law Amendments  
(Presented by Hon. Mr. Burke, Q.C. April 3, 2009)
- Final Report of the Select Committee on Tax Review  
(Presented by Mr. MacIntyre December 12, 2008)
- Final Report of the Select Committee on Wellness  
(Presented by Mr. Collins on November 26, 2008)

## COMMITTEE MEETINGS

The Standing Committee on Public Accounts will meet on Tuesday, May 5, 2009 at 10 o'clock a.m. and Wednesday, May 6, 2009 at 9 o'clock a.m. in the Legislative Council Chamber.

Loredana Catalli Sonier  
Clerk of the Legislative Assembly

