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# **Journals**

(Unrevised)

Legislative Assembly

Province of New Brunswick

Hon. Herménégilde Chiasson  
Lieutenant-Governor

Speaker: Hon. Eugene McGinley

**Tuesday, February 20, 2007**

**First Session of the 56th Legislative Assembly  
Fredericton, New Brunswick**

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Tuesday, February 20, 2007.

1 o'clock p.m.

Prayers.

The Honourable the Premier welcomed to the House Mr. Benoit Cyr, a former Progressive Conservative MLA for Restigouche West (1999-2003). Mr. Mockler joined with the Premier in this regard.

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Mr. Brewer, Member for Southwest Miramichi, laid upon the table of the House a petition signed by approximately 3 000 citizens who travel Highway 10 between Minto and Fredericton who request that fencing be installed to keep moose and deer off the roadway; in particular, along the route between the Acadia Forestry Centre and New Zion. (Petition 1)

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Mr. Steeves, Member for Albert, laid upon the table of the House a petition signed by New Brunswickers opposed to the proposed legislation placing restrictions on the use of all-terrain vehicles. (Petition 2)

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During Oral Questions, Mr. Speaker interrupted proceedings and requested that Mr. Steeves withdraw the phrase "mislead the public," which he did.

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The following Bills were introduced and read a first time:

By Hon. Shawn Graham:

Bill 23, *An Act to Amend the Members' Conflict of Interest Act.*

By Hon. Mr. Foran:

Bill 24, *An Act to Amend An Act to Amend the Police Act.*

Bill 25, *An Act to Amend the Police Act.*

By Hon. Mr. Byrne:

Bill 26, *An Act to Amend the Partnerships and Business Names Registration Act.*

Ordered that the said Bills be read a second time at the next sitting.

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Mr. Betts gave Notice of Motion 24 that on Tuesday, February 22, 2007, he would move the following resolution, seconded by Mr. Holder:

WHEREAS tens of thousands of New Brunswickers live in rental accommodations; and

WHEREAS those New Brunswickers who live in municipalities and own their own homes enjoy an exemption from provincial property tax; and

WHEREAS rental properties located in municipalities are charged both municipal and provincial property taxes; and

WHEREAS many New Brunswickers believe that this creates an unfair tax burden on those who live in rental accommodations; therefore

BE IT RESOLVED that this Legislative Assembly calls upon the Government to phase out the double taxation of rental properties over a three year period.

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Hon. Mr. Jamieson, Government House Leader, advised that it was the intention of the government that following second reading and the two hours reserved for Private Members' Motions, the House would resume the adjourned debate on the motion for second reading of Bill 17.

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With leave of the House, Hon. Mr. Jamieson moved, seconded by the Honourable the Premier: (Motion 25)

That notwithstanding Standing Rule 29, on Wednesday, February 21, 2007, the sitting of the House be suspended following Prayers, or at the appropriate time during Routine Proceedings, for an Address in the Assembly Chamber by Governor John Baldacci, Governor of the State of Maine; and

That the speech of Governor Baldacci, together with all introductory and related remarks, be printed as an Appendix to the Debates of the Legislative Assembly on that day and form part of the records of this House, and be televised according to House guidelines.

And the question being put, the motion was carried.

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With leave of the House, Hon. Mr. Jamieson moved, seconded by the Honourable the Premier: (Motion 26)

THAT, pursuant to section 32.1 of the *Legislative Assembly Act*, the Legislative Assembly delegate to the Legislative Administration Committee its authority under the *Act* with respect to amounts, indemnities, allowances and salaries and with respect to the amendment of Schedule A.

And the question being put, the motion was carried.

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The Order being read for second reading of Bill 18, *An Act to Amend the Occupational Health and Safety Act*, a debate arose thereon.

And the debate being ended and the question being put that Bill 18 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 18, *An Act to Amend the Occupational Health and Safety Act*, was read a second time and ordered referred to the Committee of the Whole House.

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The Order being read for second reading of Bill 19, *An Act to Amend the Small Claims Court*, a debate arose thereon.

And the debate being ended and the question being put that Bill 19 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 19, *An Act to Amend the Small Claims Court*, was read a second time and ordered referred to the Committee of the Whole House.

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The Order being read for second reading of Bill 20, *An Act to Amend the Judicature Act*, a debate arose thereon.

And after some time, due to the unavoidable absence of Mr. Speaker, Mr. R. Boudreau, the Deputy Speaker, took the chair as Acting Speaker.

And the debate being ended and the question being put that Bill 20 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 20, *An Act to Amend the Judicature Act*, was read a second time and ordered referred to the Committee of the Whole House.

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The Order being read for second reading of Bill 21, *An Act to Amend the Consumer Product Warranty and Liability Act*, a debate arose thereon.

And the debate being ended and the question being put that Bill 21 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 21, *An Act to Amend the Consumer Product Warranty and Liability Act*, was read a second time and ordered referred to the Committee of the Whole House.

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The Order being read for second reading of Bill 22, *An Act to Amend the Forest Products Act*, a debate arose thereon.

And the debate being ended and the question being put that Bill 22 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 22, *An Act to Amend the Forest Products Act*, was read a second time and ordered referred to the Committee of the Whole House.

Pursuant to Notice of Motion 3, Mr. Carr, seconded by Mr. C. LeBlanc, moved the following resolution:

WHEREAS the Legislative Assembly of New Brunswick unanimously passed the Estimates of the Department of Finance for the fiscal year of 2006/2007 including the estimates allocated for the necessary \$45 million for a full rebate of the provincial portion of the Harmonized Sales Tax paid on home heating costs; and

WHEREAS during the provincial election of 2006, the Liberal Leader promised to return the 8% Harmonized Sales Tax to the taxpayers of New Brunswick; and

WHEREAS the same Liberal Leader and current premier has now reneged on his election promise; and

WHEREAS the current Government's new energy relief program only helps a small fraction of New Brunswickers at a cost of less than \$10 million dollars; and

WHEREAS the remaining \$35 million dollars of the budget for the Department of Finance is now being used to fund other poorly planned promises of the Liberal Party; and

WHEREAS the current government has shown little concern for those families and individuals who had budgeted on this rebate to help them through the cold winter months; therefore

BE IT RESOLVED that this Legislative Assembly call upon the government to reinstate the HST Rebate Program and return the tax dollars to their rightful recipients, the taxpayers of New Brunswick.

And the question being put, a debate ensued.

And after some time, Hon. Victor Boudreau, seconded by Hon. Mr. Keir, moved in amendment:

## AMENDMENT

In the first “Whereas” clause, delete the word “necessary”.

Delete the second “Whereas” clause and replace it with:

“WHEREAS the former Minister of Finance did not share with the people of New Brunswick the serious fiscal problems of this province; and”

Delete the third “Whereas” clause.

In the fourth “Whereas” clause, delete the words “only” and “a small fraction of”.

Delete the fifth “Whereas” clause and replace it with:

“WHEREAS the reduction of energy needs gives New Brunswickers better protection against high energy costs; and”.

Delete the sixth “Whereas” clause.

In the Resolution clause, delete all the words after “Legislative Assembly” and replace them with “call upon the government to enhance, as financial resources permit, an energy efficiency program as a superior substitute for the HST Rebate Program to the greater long term benefit of the taxpayers and ratepayers of New Brunswick.”

Mr. Carr rose on a point of order and submitted that the amendment proposed by Hon. V. Boudreau was out of order in that it was foreign to the original motion and changed its intent. Several members spoke on the point of order.

At 4.17 o'clock p.m., Mr. R. Boudreau, the Deputy Speaker, declared a recess to consider the admissibility of the amendment.

*4.42 o'clock p.m.*

Mr. Deputy Speaker resumed the chair and delivered the following ruling:

## STATEMENT OF DEPUTY SPEAKER

Honourable Members:

I have had the opportunity to review the original motion and the amendment proposed by the Honourable Minister of Finance.

Although I agree with the Member for Oromocto that the amendment proposes a number of substantial changes to the main motion, I find the amendment to be in order for the following reasons:

The subject matter of the proposed amendment is not foreign to the original motion. Both address essentially the same subject matter, that of energy efficiency and the HST Rebate program or the substitute thereto.

As stated in *Beauchesne's Parliamentary Rules and Forms*, paragraph 567: *The object of an amendment may be to either modify a question in such a way as to increase its acceptability or to present a different proposition as an alternative to the original question.*

The same principle is cited at page 452 of *House of Commons Procedure and Practice*.

I find that the amendment does not completely negative the intent of the original motion, rather it does propose an alternative proposal for the consideration of the House.

Accordingly, I find the amendment to be in order.

Mr. Deputy Speaker put the question on the proposed amendment and a debate ensued.

Mr. Speaker resumed the chair.

And the debate being ended and the question being put, the amendment was carried on the following recorded division:

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Hon. Mr. MacIntyre	Hon. Mr. Arseneault	Mr. R. Boudreau
Hon. V. Boudreau	Hon. Mr. Doherty	Mr. Brewer
Hon. S. Graham	Hon. Ms. Schryer	Mr. Kennedy
Hon. Mr. Jamieson	Hon. Mr. Lamrock	Mr. A. LeBlanc
Hon. Mr. Byrne	Hon. Mr. Burke	Mr. Kenny
Hon. Ms. Robichaud	Hon. Mr. Foran	Ms. Lavoie
Hon. Mr. Murphy	Hon. Mr. Doucet	Mr. Miles
Hon. Mr. Haché	Hon. Mr. Keir	Mr. B. LeBlanc
Hon. D. Landry	Hon. Mr. Albert	Mr. Fraser

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Mr. Mockler	Mr. Huntjens	Mr. Betts
Mr. D. Graham	Ms. Blaney	Mr. Stiles
Mr. Volpé	Ms. Poirier	Mr. Northrup
Mr. Harrison	Ms. Dubé	Mr. C. Landry
Mr. Robichaud	Mr. Carr	Mr. C. LeBlanc
Mr. Ashfield	Mr. Alward	Mr. Olscamp
Mr. Steeves	Mr. Fitch	Mr. Urquhart
Mrs. MacAlpine-Stiles	Mr. MacDonald	

Debate resumed on Motion 3 as amended as follows:

WHEREAS the Legislative Assembly of New Brunswick unanimously passed the Estimates of the Department of Finance for the fiscal year of 2006/2007 including the estimates allocated for the \$45 million for a full rebate of the provincial portion of the Harmonized Sales Tax paid on home heating costs; and

WHEREAS the former Minister of Finance did not share with the people of New Brunswick the serious fiscal problems of this province; and

WHEREAS the current Government's new energy relief program helps New Brunswickers at a cost of less than \$10 million dollars; and

WHEREAS the reduction of energy needs gives New Brunswickers better protection against high energy costs; and

BE IT RESOLVED that this Legislative Assembly call upon the government to enhance, as financial resources permit, an energy efficiency program as a superior substitute for the HST Rebate program to the greater long term benefit of the taxpayers and ratepayers of New Brunswick.

And the debate being ended, and the question being put, Motion 3 as amended was carried.

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And then, 6.10 o'clock p.m., the House adjourned.

The following documents, having been deposited with the Clerk of the House since the last sitting of the House, were deemed laid upon the table of the House, pursuant to Standing Rule 39:

Documents requested in Notice of Motion 7	February 15, 2007
Documents requested in	
Notices of Motions 5, 13, 15, 16, 17	February 20, 2007