



The FOAMLINE

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FISHING OUTFITTERS ASSOCIATION OF MONTANA
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SEPTEMBER 2014

150 DAY EXPERIENCE RULE BACKED BY MBO

For Fishing Outfitter License Applicants, with Few Exceptions

At the September 5 Board of Outfitter's meeting in Helena, FOAM Director Matt Greemore again presented our association's proposal to increase the experience requirement to become licensed as a fishing outfitter from 100 to 150 days.

FOAM believes that increased in-field and/or on-the-water experience exposes the applicant to more seasonal-, weather-, and flow-driven conditions that equip them to provide better client safety under a variety of situations - in short, better protection of public health, safety, and welfare. The higher qualification proposal also directly addresses one of the board's charges, to provide for "ever-improving" licensee standards.

Plus, by adding 50 more days to the qualification, the use of waivers (business purchase, guide school) to replace actual experience is mitigated. Currently, an outfitter license applicant may substitute up to 80 waiver days for the required 100 days, leaving only 20 days of actual on-the-water experience. A survey of our members showed 86% percent of respondents agreed with the increase, with a majority noting that the waivers were a poor replacement for actual experience. With an additional 50 days added, even with waivers, an applicant would have to prove 70 days of experience, a short drop from the original 100 days.

FOAM also added language to delay implementing the rule until after September 1, 2014, to cover fishing guides with 100 days experience applying for a fishing outfitter license before 9/1/14 and allowing guides applying after 9/1/14 to use this summer's work to generate the extra 50 days of experience.

After discussion among the board members and public comments keying on hunting outfitter's rejection of the higher experience requirement when adding a fishing endorsement to existing and future licenses, the board voted 6 to 1 to propose the following: *After September 1, 2014, an applicant for a fishing outfitter license must have 150 days of experience. An applicant for a fishing outfitter license before September 1, 2014, or anyone issued a valid hunting outfitter license before December 31, 2017 needs only 100 days experience to add a fishing endorsement.*

NOTE: By law, the rule is subject to a small-business impact analysis and won't be formally proposed for public comment until the board discusses the analysis at their December, 2014 MBO meeting. Once published for comment, FOAM will notify our members so they can weigh in on the proposal. Thanks to all who've worked on this concept. We are proud to promote higher licensing standards for the fishing outfitter industry, backed by the Board of Outfitters.

MBO TO TRY NEW BOAT STICKER IDEAS

In-house Printing Saves Money, Provides Flexibility

Urged by FOAM members on the Board of Outfitters, the board reviewed current supplier bids for boat stickers, comments from FWP requesting larger printing of license numbers and requests to simplify the process from the licensing group responsible for issuing boat stickers with yearly validation tags.

FOAM representative Robin Cunningham has talked extensively with the new MBO Executive Officer, Steve Gallus, sharing their experience with boat stickers, their use, and misunderstanding of the boat sticker rule. Both are familiar with mistaken licensee requests for up to 20 sets of stickers per year, possible delays in receiving replacement stickers, and the common failure to keep the stickers moveable from boat to boat.

The board moved to propose simpler watercraft ID (boat sticker) rules, making clear the intent to issue **one** set (two stickers, two year validation tags) to each outfitter or guide requesting them during renewal instead of honoring requests for multiple sets, and to continue charging for replacement sets issued after any annual renewal period. The balance of the rule (stickers must be removed or concealed if the licensee is not serving clients when on the water in a watercraft, displayed on both sides of a watercraft when serving clients, improper use of stickers is considered misconduct) will remain the same.

One part of the current rule notes the stickers "shall be of a size so that it may easily be seen from another watercraft or from shore." FWP wardens occasionally complain the license numbers added by sharpie to the stickers are too small to see easily from a distance. During board discussion, staff and members presented new designs of larger, more legible stickers printed on a local laser printer on adhesive-backed waterproof paper - two stickers printed on a single 8/5" x 11" sheet of paper for handling simplicity, and the same 3.5" X 4.5" sticker with a larger space for license numbers printed in a larger font size, possibly by turning the sticker on its side (in printing terms, "landscape" instead of "portrait"). Whatever the final design, the stickers would have the MBO seal, a year number and the license number printed in large, bold numerals.

For this fall's renewal cycle, "red and white" stickers with year tags will be available under the old rule standards - a licensee can request many sets of stickers/tags. FOAM urges our members to request only **one** set of stickers to keep costs down and to make sure the licensing group requested can supply all outfitters with at least one set of stickers.

If the board approves any new stickers this year, it will allow both sticker types to be valid for the 2015 license year.

NEW ICEC APPS FOR SOLE PROPS / CORPS

Work Compensation Division Updates Forms in Aug, 2014

A recent email received in the FOAM office included updated ICEC forms for sole proprietors and corporate and manager-managed corporations. You can find links to download the new forms on our FAQ page discussions for IC status - "How do I get an ICEC?" and "What is the Limited Liability Corporation exemption from Worker's Compensation?"

Since corporate officers and managers of manager-managed corporations are exempt from Worker's Compensation law, I asked Andra Hendrickson, a compliance specialist at the Independent Contractor Central Unit (ICCU). She explained that the form is intended for those corporate officers and managers who may be requested by their hiring agent to become IC's. And, if you have any questions about IC status, Andra suggested you call 406.444.0564, the ICCU group.

Andra also pointed out one important change to the IC process: The applicant's business name registration with the Montana Secretary of State must match their business structure (or form) selection. I would bet many IC guides have not registered their "assumed business name" with the Montana Secretary of State (<http://sos.mt.gov/Business/Forms/index.asp#abn>). Registration costs \$20 and is good for 5 years.

FWP COMMERCIAL RULES UPDATE

Guides Collection of Fees Not Yet Allowed on FWP Ground

In the June 2014 FOAMLINE, we talked about changing FWP Department Commercial Use Rules to allow guides to collect client fees on lands administered by FWP and the Parks Board. FOAM representative Robin Cunningham testified at rule hearings and received favorable feedback from commissioners and board members.

Unfortunately, the rules were adopted by the Commission and the Parks Board without the requested change. In response, at the commission meeting finalizing the commercial rules, Dan directed the department to propose, publish, and adopt a rule by the beginning of next fishing season in March allowing guides to collect fees in the name of the authorized outfitter.

FOAM will track this issue to ensure its completion.

FOAM SEEKING BOARD NOMINEES

Raisler, Moore, Galletta, Lanier End Their Terms

FOAM Board elections will be held this November via eBallot, and nominees for the Missouri, Madison, Big Horn and Flathead regions are welcome. Board members serve 2-year terms, attending typically 7 meetings (Nov, Dec, Jan, Feb, March, April, May) to represent their region's interests. FOAM outfitter members nominations and nominee's letters expressing willingness to serve should be sent or emailed to info@foam-mt.org.

Interested? Questions? Contact FOAM at info@foam-mt.org or call 406.763.5436 for more information. THANKS!

SUPPORT JOHN WAY FOR MBO SEAT

Way, Public Members Focus of FOAM Support Campaign

FOAM members received an eBlast recently urging support for outfitter member John Way of Ennis for appointment to the Board of Outfitters representing fishing and hunting outfitters. John has been licensed since 2002, worked for several large fishing and hunting operations in Montana and S. Dakota, operated his own outfitting business for years, and purchased one of the original fly shops, The Tackle Shop, in Ennis. His experience and understanding of the industry will serve us well on the MBO. If you haven't taken a moment to send an email of support to the Governor's Office, please do so by contacting Stacey Otterstrom at sotterstrom@mt.gov with a brief endorsement before October 1, 2014.

FOAM has also approved three public candidates for open seats on the board. Current sportsperson Hugo Tureck from Coffee Creek has learned a lot about the outfitting business and should be reappointed for another three-year term. Tim Aldrich is another sportsperson we recommend for appointment. Tim has been hunting for some 40 years, alone and using outfitters and guides. His personal knowledge of hunting and fishing resources and recognition of outfitting as a key component of Montana's outdoor recreation success make him a suitable candidate for the board. And, Jerry Davis, a licensed Montana engineer should be appointed as the public member on the board. Jerry wants to keep the outfitting industry vital by working to improve the industry's reputation with resident Montanans. Makes sense to FOAM.

Thanks to all of you who have already offered support for these candidates. For those who have not acted, please do so before Oct. 1. FOAM believes quality MBO members make for a quality industry. Again, email sotterstrom@mt.gov.

MBO BILL BETTER DEFINES MEMBERSHIP

"Pure" Fishing Outfitter Member is an Important Definition

The MBO has drafted a bill refining the membership qualifications for the MBO. The changes are simple: 1) adding the term "licensed to provide" instead of simply saying "outfitter" or "engaged in the fishing or hunting business."

2) Ensuring the fishing outfitter member is licensed to provide only fishing services, not fishing and hunting services.

Why a fish-only member? Because the number of outfitters with a fishing-only license makes up 46% of all licensed outfitters, the largest single licensed group administered by the MBO. The MBO members believe that group deserves representation unmixed with hunting services. We will ask members for support once the legislative session begins in January, 2015.

CLASSIFIED ADS

Seeking: Fishing Outfitting Business for sale. Contact Jake at fish406.mt@aol.com.

Wanted: 50-100 Gallatin Nat'l. Forest fishing service days, Gallatin river. Contact Geoff at unger2000@hotmail.com