



The FOAMLINE

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FISHING OUTFITTERS ASSOCIATION OF MONTANA
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MARCH 2013

ANNUAL MEETING MOVES TO MISSOULA

New MBO Rules , Etiquette, Casting, FWP Issues, Bugs, etc.

Saturday, March 6, FOAM members came to the Holiday Inn Downtown to hear and talk about new Board of Outfitter rules, the Clark Fork Restoration Project, and a review of Emergency River Closure criteria, among other topics on a busy agenda. 50-some outfitter and guide members attended, most from around the Missoula area with a scattering of folks from out of town.

A brief lead-off discussion of why various board directors became FOAM members led to a general description of membership benefits and some FOAM achievements. Director Russell Parks noted afterward that members don't always know the wide variety of representation FOAM offers, and he wanted this intro to remind them of how their association is involved in industry interests.

Tyler Moss, Board of Outfitter attorney and Robin Cunningham, MBO chair, headed a description of a series of new rules the board is proposing regarding advertising and what may loosely be called "booking agents." See the next article for details.

Mark Raisler (Region 3, Missouri) and Joe Moore (Region 5, W. Y'stone-Ennis) followed with a slide show of guiding etiquette, humorously portraying common at-the-ramp and on-stream mistakes and situations we all see. The duo urged members to be courteous and careful of our industry's image in public.

Next came a great "How to talk to clients" tutorial and a brief casting clinic by FOAM member Brant Oswald from Livingston. Along with free IPA provided by Summit Beverages of Missoula, Mike Bias, a FOAMie from Twin Bridges, presented his excellent slideshow on local bugs, this time featuring stoneflies. The day wound up with our classic raffle with plenty of items for all comers. Never mind that the out-of-towner from Columbus scored the best items - a SIMMS fanny pack full of great gear and a Kindle - Chris Fleck will pay in the end . . .

Want to help with next year's annual membership meeting? Give us a call (406.763.5436). We'll probably return to the Bozeman area, and we look forward to seeing you next March.

NEW AD, AGENT RULES PROPOSED BY MBO

Rewrite Package Includes Ad, "Booking Agent" Changes

The Board of Outfitters is reviewing their rules and proposing a series of changes, including how outfitter and guide ads will work and defining the capabilities of "booking agents."

Key concepts in the new rules about ads are:

- 1) Only outfitters may advertise to the general public to find clients,
- 2) Outfitter ad must contain the outfitter's registered business or personal name and license number,

2) Guides may not advertise services to the general public, but may advertise their services directly to outfitters,

3) When advertising to outfitters in public media, guides must add a disclaimer stating the ad is intended only for outfitters, not the general public.

In response to outfitter concern that guides are violating outfitter law and rule by advertising for clients in a variety of public social media and on websites, the proposed rules confirm the Montana outfitter and guide licensing hierarchy - in short, only outfitters may solicit clients through ads and guides are licensed to provide services only to clients specifically referred to them by an outfitter.

As for "booking agents", a new rule states:

"(1) An outfitter's nonemployee agents with whom the outfitter has a contractual relationship and an outfitter's employees may schedule trips, provide clients with information regarding refunds and services, receive client fees on behalf of the outfitter, secure a guide who is employed by or with whom the outfitter has an existing contractual relationship, and take other steps to establish contracts for services, as long as these activities are at the direction of the outfitter and as long as the terms and conditions of the contracts are directly between the outfitter and the client.

(2) Outfitters may enter into an arrangement with a person whereby the outfitter's services are advertised by or at the direction of that person or whereby clients are referred to the outfitter, but the outfitter is accountable to the board for the appearance and propriety of all such advertising and for all interactions between the other person and the clients and potential clients. All advertising regarding outfitting services must comply with the rules applicable to outfitters."

FOAM may suggest rewording the first part to say, "An outfitter may designate **any person** to schedule trips, etc." instead of describing nonemployee agents or employees since many outfitters' spouses, relatives, or persons other than guides or employees handle trip scheduling and fee descriptions with potential clients. In line with the second part of the proposed rule, guides could solicit on behalf of sponsoring outfitters, so long as the outfitter was responsible for the content and delivery of the solicitation or ad - think business cards or electronic media (website, Facebook, etc.)

Other sections cover simplified outfitter logs and initial license applications, Outfitter Assistant standards, NCHU, and successionship.

Once the rules are published, FOAM will alert members about how to comment, and we'll put a copy of the proposed rules on our website, foam-mt.org. The FOAM board urges members to send in their thoughts and comments about these rules.

FOAM PROPOSES INCREASED EXPERIENCE

Asks for 150 Days to Become a Fishing Outfitter

FOAM members and directors have long discussed increasing the experience required to become a fishing outfitter, so this spring FOAM set up a survey of our members asking whether or not to increase the current 100-day qualification to 150 days.

The survey link was emailed in early February, and 220 members responded, with 189 (86%) voting YES and 31 (14%) voting NO. We also asked why members voted the way they did, and these responses fell into three categories:

- 1) The largest number of responses (161): Yes, because the experience needed to become an outfitter should be increased for public safety and better industry standards. Multiple replies suggested upping the days to 200 or more, and several in this group advocated for 150 days AND 3 years of guiding.
- 2) A second group (10 responses): Yes, with suggestions about what makes a good outfitter - business experience, handling multiple agency permits, advertising, bookkeeping, etc.
- 3) A final 17 responses: No, because the requirement would hinder advancement from guide to outfitter.

With these results in mind, FOAM director Matt Greemore (Region 4, B'head/B'hole) introduced a rule proposal at the Board of Outfitters meeting in Helena on March 6. His presentation emphasized increased public safety and elevated industry standards as benefits of the 150-day requirement. Greemore added that the rule should have a delayed effective

date of, say, 1/1/2015 or 6/1/2015 so guides can be informed of the new requirement before moving up to become an outfitter.

The MBO reviewed some proposed language for the concept, briefly considered the delayed effective date language properly, then tabled consideration for another sit-down meeting.

FOAM will send out an eBlast seeking comments on the rule before the actual written proposal is presented to the MBO in June, and, if accepted by the MBO, we'll notify members to comment as part of the rule adoption process.

The FOAM directors are committed to improving the standards of the fishing outfitter industry while increasing public protection, and this is one step in the right direction.

STEVE GALLUS IS NEW MBO EXEC. OFFICER

Longtime Butte Legislator Selected in Late March

With the passing of Trudy Phippen last December, the Board of Outfitters has been looking for a replacement Executive Officer. Three candidates were interviewed, and Gallus was the top choice.

Steve has worked as a licensed fishing guide and managed the Complete Angler on the Big Hole for Andrew Hanson. Gallus' time as a legislator will bring good connections in the capital, and his experience with state government should translate into a good working relationship with the Dept of Labor & Industry.

Gallus lives in Butte with his wife, Jennifer, and son Charlie.

Guide-at-Large Director Jason Brininstool 370-8029

Region 5 (Madison) Joe Moore 581-6059	Region 6 (Gallatin) Dave McKee 582-0980	Region 7 (Yellowstone) Eric Adams 223-2488	Region 8 (Big Horn, Ft. Peck) Steve Galletta 666-2473
Region 1 (Kootenai, Flathead) Jason Lanier 387-5340	Region 2 (Bitterroot, Clark Fork) Russell Parks 543-7078	Region 3 (Missouri) Mark Raiser 459-8739	Region 4 (Big Hole, Beaverhead) Matt Greemore 684-5639

BOARD OF DIRECTORS

- Annual Meeting Review
- MBO Rule Review, Proposals
- Increased Guide Experience Discussion
- Gallus is New MBO Executive Officer

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For Sale: Montanatroutfishing.com domain name.
Contact Bob at 406.782.0567 for details.

CLASSIFIED ADS