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Research Services Division

MEMORANDUM

Date: March 17, 2016
To: The Honorable Dale Zorn, State Senator
Attn: Shane Preston
From: Loanna Ammerman, Research Analyst
Re: **Guiding and Outfitter Regulations in Other States (16-01944)**

As requested, we are providing information on the guiding/outfitter regulations in Alaska, Idaho, Indiana, Maine, Montana, Ohio, Wisconsin, and Wyoming. We searched appropriate government websites for this information. While we tried to provide all the requested information on guide and outfitter requirements in other states, we were not always able to find regulations that addressed your specific questions. This memo should not be considered a comprehensive report.

Briefly, the regulations for guides and outfitters in these states range from very stringent to very relaxed. Most of these states require applicants to be free of certain felonies and may require licensees to carry certain liability insurance and possess state hunting or fishing licenses in addition to the guide/outfitter license. Some states limit the number of guides or outfitters that may be registered. Other states limit the number of guides that may operate in specific areas of the state. It appears that the states which have stricter regulations have hunting, fishing, and recreational activities that take place in "back country" areas which may be more difficult to access or provide greater hazards. These states require guides and outfitters to be trained and pass exams prior to licensing.

In summary, we found definitions in statute for "guide" and "outfitter" in all but two states (Ohio and Wisconsin). Alaska, Idaho, Maine, Montana, and Wyoming require either training, an exam, and/or experience to be eligible for licensing. All of the states reviewed charge fees for licenses ranging from \$40 to \$1,800. The states with more stringent licensing requirements charge higher fees. All states except Ohio and Wisconsin require some type of record keeping by guides and/or outfitters and reports submitted to the state. Finally, we identified penalties in statute for all states except Ohio. Penalties may be levied for violations such as operating without a license, failing to renew a license on time, or failing to submit accurate records as required.

You also asked about preferential treatment for military veterans to become guides in any state. We searched the states listed above and also conducted a general search for this information. We identified two states that specifically provide guide licensing benefits to veterans. Maine provides a complementary guide license for a disabled veteran with a service connected disability of 50% or more as long as the individual meets the other qualifications for guides. It does not appear to include a license for whitewater rafting guide. Montana allows the Board of Outfitters to consider an applicant's relevant military training, service, or education in determining if the applicant meets licensure requirements.

Alaska

Definitions

"Big game hunting service means a service for which the provider of the service must obtain a registered guide-outfitter, class-A assistant guide, or assistant guide license; 'big game hunting service' includes guiding services and outfitting services." (Big game includes a number of species including bison, black bear, grizzly bear, car bou, Dall sheep, elk, and moose).

"Guide means to provide, for compensation or with the intent or with an agreement to receive compensation, services, equipment, or facilities to a big game hunter in the field by a person who accompanies or is present with the big game hunter in the field either personally or through an assistant."

"Outfit" means to provide, for compensation or with the intent to receive compensation, services, supplies, or facilities to a big game hunter in the field, by a person who neither accompanies nor is present with the big game hunter in the field either personally or by an assistant."

There does not appear to be a definition for client.

Training/Requirements: Alaska licenses assistant guides, class-A assistant guides, registered guide-outfitters, and master guide-outfitters. At the entry level, an assistant guide must be at least 18 years old, have a valid first aid card, have legally hunted big game in the state during two calendar years, and have a letter of recommendation from a registered guide outfitter who will employ the applicant. A class-A assistant guide must be 21 years of age, have first aid, three years hunting experience as a guide and 10 years hunting experience in Alaska, and have a letter of recommendation. The registered guide applicant must be 21, have five years hunting experience in the area in which they will guide, have been licensed as a class-A assistant or assistant guide for a portion of three calendar years and a minimum of 125 days of in-field experience, and meet other requirements. Finally, the master guide must have been licensed in the state as a registered guide for at least 12 years and received 10 favorable recommendations from past clients.

Fees: Alaska charges a \$200 application fee, a \$125 registered guide exam fee, and a \$390 game management unit exam fee. In addition, license fees are \$850 for a master guide-outfitter and registered guide-outfitter. The fee for class-A assistant guide and assistant guide is \$410. Nonresident fees are double the resident fees. Licenses are renewed every two years.

Reporting: Registered guide-outfitters and master guide-outfitters submit to the state a hunt record for each contracted hunt within 60 days after the completion of the hunt. A hunt record must include a list of all big game hunters who used the guide or outfitting service, the number of each big game species taken, and other information required by the board. A fee of \$50 per record is submitted with the records.

Penalties: The Big Game Commercial Services Board may impose disciplinary sanctions when a violation of state or federal statute has occurred including permanently revoking a license, suspending a license, imposing limitations on a license, requiring remedial education or training, and/or imposing a civil fine not to exceed \$5,000.

Idaho

Definitions

A designated agent is an individual "who meets all qualifications for an outfitter's license who is employed as an agent by any person, firm, partnership, corporation...that is licensed by the Board to operate as an outfitter and who is responsible for the conduct of the licensed outfitter's operations." (25.01.01 Rules of the Idaho Outfitters and Guides Licensing Board, 002-11).

A guide is defined as "an individual who meets the criteria set forth in Idaho Code 36-2102 and has further met the required qualifications as prescribed in the Rules to provide professional guided services to clientele in the pursuit and conduct of licensed activities." (Idaho Rules 25.01.01, 002-18).

An outfitter is "an individual, corporation, firm, partnership, or other organization as defined in Idaho Code 36-2102(b) and has further met the required qualifications as prescribed in the Rules to conduct an outfitting business in Idaho" (Idaho Rules 25.01.01, 002.34).

We were unable to identify a definition for client.

Training/Requirements: Training requirements are different for each type of guide license available. Guide licenses are required for hunting, float boatman, lead boatman, power boatman, skiing, snowmobiling, technical mountaineering, fishing, survival course, and day hikes. In general, applicants for outfitter or guide must be at least 18, have a first aid card, and have extensive, first-hand knowledge of the area, waters, or activities for which they want to guide. An exam is required of all new applicants for outfitter or designated agent license. The exam covers the act, rules, and general outfitting procedures.

Fees: The application fee for an outfitter is \$400 (\$450 if processed off-line). The on-line license fee for a designated agent is \$140 (\$160 if processed off-line) and \$105 for a guide (\$115 if processed off-line). In addition, a one-time fee of \$400 is charged for outfitters, \$50 for designated agents, and \$20 for guides. Licenses are good for one year from April 1 to March 31. Additional fees may be charged for incomplete license applications or for changes to the applications.

Reporting: Outfitters may be required to submit client records for a period of up to three years. In addition, the license renewal application must include a use report (listing the activities for which services were provided) for the preceding year.

Penalties: A license may be suspended, restricted, or revoked when a violation occurs. In addition, fines may be levied ranging from \$100 to \$5,000 depending on the offense.

Indiana

Guide services means "fishing or hunting guide or outfitter services that are offered or provided for money or other consideration. The term includes services by a person who for money or other consideration offers or advertises to transport an individual for the purpose of hunting or fishing and transports an individual to a location for the purpose of hunting or fishing" (IC 14-22-38-6).

We identified a license fee only for fishing guides. An individual may become licensed for a fee of \$100 per year. The license expires each year on December 31. Licensed guides must submit monthly reports indicating the waters fished, numbers of fish caught, and number of individuals fishing for hire. Failure to submit the reports or accurate reports is considered a Class C misdemeanor and may result in a license

being revoked. Operating without a license is a Class B infraction. Additional requirements must be met for those providing guide services from a boat.

Maine

Maine requires licenses for whitewater outfitters/guides and specialized hunting, fishing, sea-kayaking, recreational, and tidewater fishing guides.

Definitions:

“Whitewater guide” means a person who has met the criteria established by the Department of Inland Fisheries and Wildlife to qualify as a whitewater guide and who holds a current whitewater guide’s license.

“Whitewater outfitter” means a person (or corporation) who conducts commercial whitewater rafting, dory, or boat trips on rapidly flowing rivers or streams and who holds a current license, issued by the Department of Inland Fisheries and Wildlife, to engage in commercial whitewater activities.

Commercial passenger is any person paying a licensed whitewater outfitter a fee for a whitewater trip, (excludes person training to be a guide).

"Guide" means any person who receives any form of remuneration for his services in accompanying or assisting any person in the fields, forests or on the waters or ice within the jurisdiction of the State while hunting, fishing, trapping, boating, snowmobiling or camping at a primitive camping area.

We were unable to identify a definition of client for guides other than whitewater guides.

Training/Requirements: An individual wishing to be licensed as a whitewater guide must be certified in CPR and first aid, complete a training course which requires experience on several rivers with a licensed guide, and pass a written test.

Individuals wishing to obtain a specialized guide license must be certified in CPR and first aid and have knowledge of "general client care issues, weather-related questions, first aid, safety, ethics, legal business practices, behavior of clients, aquatic vegetation, clothing, sanitation, watercraft, snowmobile and ATV laws and regulations, map and compass, GPS, ammunition identification, fishing fly identification, mammal identification, fish identification, personal floatation device, and waterfowl identification" depending on the license sought. Individuals must pass both an oral and written examination.

Individuals wishing to be licensed as a master guide must have a license in the specialized guide area in which they are interested in obtaining a master guide license and have five years experience as a licensed Maine guide in the specialized classification(s).

Fees: For a whitewater rafting guide, a new application and testing fee of \$100 is paid to the state. A license fee of \$89 is also charged for new and renewal licenses. A license is good for three years. A \$350.00 annual fee is required for commercial whitewater applications. A \$2.00 per passenger fee for all passengers listed in the monthly report is also required.

All other guide applicants pay an examination fee of \$100 for each classification to be examined to become a guide (including an upgrade to the master guide classification). A three year license fee of \$81.00 is required once approved examinations are complete. Reduced license rates are charged for those 68 and older.

Reporting: Whitewater rafting guides are required to report monthly the number of passengers carried on each river. We were unable to identify reporting requirements for other guides.

Penalties: Whitewater rafting guides who fail to comply with reporting requirements may have their license revoked or suspended and incur a civil penalty of up to \$5,000. General penalties for other guides include a civil violation for which a fine of not less than \$100 nor more than \$500 may be levied. Also, criminal penalties may be levied against a person after having been "adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period" (Title 12, Section 12852)

Penalties for acting as a guide without a license include imprisonment of three days and a \$1,000 fine. Each day of guiding without a license is a violation (Title 12, Section 12853).

Montana

Definitions

A guide is a person who is employed by or who has contracted independently with a licensed outfitter and who accompanies a participant in the pursuit of fish or game.

"An outfitter is any person, except a person providing services on real property that the person owns for the primary pursuit of bona fide agricultural interests, who for consideration provides any saddle or pack animal, facilities, camping equipment, vehicle, watercraft, or other conveyance, or personal service for any person to hunt, trap, capture, take, kill, or pursue any game, including fish, and who accompanies that person, either part or all of the way, on an expedition for any of these purposes or supervises a licensed guide or outfitter's assistant in accompanying that person" (37-47-101, Montana Code Annotated).

There does not appear to be a definition for client.

Training/Requirements: First time applicants must have hands-on first aid certification and must be endorsed by an licensed Montana outfitter, have a valid wildlife conservation license, and have at least one season of experience hunting or fishing for the type of game for which guiding will be provided or have six weeks experience with the outfitter who will sign the guide license or have completed guide school as approved by the state. Also, applicants must have knowledge of hunting and fishing techniques appropriate for guide services to be rendered and knowledge of equipment, terrain, and potential hazards of the activity for which services will be provided.

Although guides are not required to take an exam, an exam is required to obtain the outfitter's license. Outfitters must own or have a contract for a business that has appropriate equipment and facilities for providing the services the outfitter will advertise. Applicants wishing to provide fishing outfitter services must have a minimum of three years and 120 days of experience as a licensed guide while applicants for other types of outfitters must have 100 days of experience as a licensed guide working for a licensed outfitter guiding in the areas in which a license is sought. Out-of-state experience may be approved. Some days of experience may be waived by taking the state's education program. The purchase of an existing outfitting business by an unlicensed individual must be approved by the state. A current basic first aid certification is required.

Fees: The guide license fee is \$150. Licenses are good until December 31 each year and are renewed annually. A new license and examination application fee for an outfitter is \$1,800.00. The renewal fee for an outfitter is \$350.00, licenses expire on December 31 of each year. Other fees may also apply.

Reporting: Outfitters are required to keep current, true, complete, and accurate records and submit those records to the board when renewing licenses (Rule 24.171.408).

Penalties: Individuals operating without a license are guilty of a misdemeanor punishable by a fine of \$250 to \$1,000 and/or imprisonment in the county jail for 90 days to one year. Individuals without a license who are ordered to stop operating, but continue to do so, shall pay a civil penalty of not more than \$5,000. Individuals may also be subject to criminal prosecution (Title 37, Chapter 1, Part 3-317).

Ohio

It appears the only guide license required in Ohio is for individuals providing guide services on Lake Erie for fishing. Ohio statute defines a fishing guide as any "person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing" (Ohio Revised Code, Title 15, Chapter 1531.01).

The Lake Erie fishing guide license and decal can be obtained from the Sandusky Office of the Division of Wildlife. Licenses are valid from April 16 to April 15 of the next year. The license fee is \$50.00. Additional permits from the U.S. Coast Guard will be required if the guide is using a boat on Lake Erie.

Wisconsin

A license is required to "guide, direct or assist any other person in: hunting, fishing or trapping for any compensation or reward." Individuals wishing to obtain a guide license must be at least 18 years of age. The fee for residents is \$40.00 annually and \$100 for non-residents. Licenses are valid for the calendar year.

A separate license is required to "guide, direct, or assist any other person in sport trolling for trout or salmon" on outlying waters¹ of the state of Wisconsin for any compensation or reward. The fee for a resident license is \$100 and \$400 for a non-resident license.

A fine of not more than \$100 shall be levied and, upon conviction, the person's guide license shall be revoked for one year for a violation of this act (29.512(2)).

Wyoming

Definitions

"Client" means a person who engages the professional services of a licensed outfitter.

Guide services means "for hire or remuneration, accompanying and providing assistance to a hunter in the field relating to the taking of any big or trophy game animal" with exceptions as provided in statute. (Title 23, Article 4, W.S. 23-2-406).

Outfitter means a "person including a hunting club, who advertises or holds himself out to the public for hire for the purpose of financial gain in order to provide guide or packing services for the purpose of taking any big or trophy game animal..." (Title 23, Article 4, W.S. 23-2-406).

An outfitter may also act as a professional guide without having a separate guide license.

Training: An applicant for an outfitter's license must be at least 18, have at least one year experience as a professional guide, and have available the equipment and facilities necessary to offer the services of an outfitter. A new outfitter training course with an exam is required. New applicants must appear before the board for final approval of license. Valid first aid certification and an equipment/camp inspection is required. Applicants for professional guide are required to pass an exam, have first aid, have taken a hunter safety course if born after 1965, and be employed by an outfitter.

Fees: Outfitter fees include a new applicant fee of \$1600 and a \$600 license fee when approved. The renewal fee is \$600. Renewal applications must be postmarked by December 31 of each year. Fees for professional guides are \$70 for a consecutive 14-day license (good only once each 12 month period), \$145 for a full year license, and an additional \$25 fee for a new applicant.

Reporting: An annual report including a list of all hunting clients and hunt and kill areas used must be submitted when renewing an outfitter license.

Penalties: In general, a violation may be considered a misdemeanor punishable by a fine not to exceed \$5,000 and/or a suspension or revocation of a license.

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I hope this information is useful. If you would like information on licensing in other states or additional information for these states, please contact the Research Services Division at 3-5200.

¹Refers to any river or stream tributary of Lake Michigan or Green Bay from its mouth upstream to the first dam or lake or as designated by the department.