



Photo by Shutterstock

Michigan Senate takes aim at licensing hunting, fishing guides

Bills would make licenses for hunting and fishing guides among the strictest in the nation

By Jarrett Skorup | June 2023

This article is edited and expanded from testimony submitted to the Michigan Legislature.

Some Michigan legislators are looking to pass some of the strictest occupational licensing regulations for hunting and fishing guides in the nation. Senate Bills 103 and 104 mandate that people do the following in order to earn money guiding people to capture game. They must:

- Possess a valid driver's license.
- Pay a license fee of \$150 for state residents or \$300 for out-of-state residents.
- Become certified in first aid and CPR, and carry a first aid kit.
- For fishermen, possess a license to operate watercraft.
- File detailed monthly reports regarding the number of game, clients and locations.
- Have no criminal conviction of certain misdemeanors nor any felony conviction in the past three years.

“This would establish regulations in Michigan far stricter than those of any other neighboring or Midwestern state.”

Earning income as a fishing or hunting guide without a license would result in fines of \$500 for the first offense and \$1,000 thereafter.

This would establish regulations in Michigan far stricter than those of any other neighboring or Midwestern state. Ohio, Minnesota, Iowa and Wisconsin either have no regulations at all or only require outfitters to pay fees or register if they wish to work in certain waters. There is no mandatory CPR certification or required training, testing or reporting.

Indiana requires a license for hunting and fishing guides. It costs \$100 annually, and monthly reports need to be filed. But there is no mandatory CPR certification and no restriction on those with criminal backgrounds who want to work as guides. Illinois requires fishing guides to pay a \$50 boat fee. Some hunting outfitters must pay \$500 every four years, are required to have insurance, and must keep a log of whom they hunted with and what they shot. But, again, no requirement for CPR certification

and no ban on those with criminal backgrounds from working.

Michigan's Legislative Services Bureau analyzed hunting and fishing guide regulations in 2016 for the following states: Alaska, Idaho, Indiana, Maine, Montana, Ohio, Wisconsin and Wyoming. It found no regulations in Ohio or Wisconsin. The other states, the Bureau found, had mandatory training and exams, fees ranging from \$40 to \$1,800, and reporting requirements. But almost none of the above states — even those with big game hunts and much larger outfitting companies — required everything proposed in SBs 103 and 104.

Alaska, Montana and Wyoming have the most similar licensing requirements to the ones being proposed in Michigan. But there's an important distinction: Their regulations cover hunting big game in remote wilderness areas. SBs 103 and 104, on the other hand, would require licenses for activity that thousands of other hunters and fishers can legally do on their own.

Lawmakers should be skeptical of proposed licensing rules. Occupational licenses are almost always proposed and supported by the industry being regulated. It's no wonder why: Licensing requirements limit their competition. This is the third time bills like these have been brought before the Michigan Legislature. Each time, it was pushed by some in the guiding industry. Lawmakers should not base regulation on the wishes of the industry. They should analyze the gains to public safety and weigh them against the higher prices consumers will pay and the decrease in job opportunities these regulations will bring.

For instance, a question that should be answered before imposing restrictions on people's right to earn a living is: Are states that require licenses for fishing and hunting guides demonstrably safer than states that do not?

These bills specifically block anyone with a felony conviction from getting a license to work (as well as those with certain misdemeanor convictions). A criminal conviction for behavior unrelated to the type of work someone is seeking should not automatically disqualify that person from the opportunity.

The Legislature has recently removed "good moral character" provisions that previously blocked those with drug and other convictions from working as barbers, roofers, builders and more. Why is it now seeking to block them from working as hunting and fishing guides?

Over the past few decades, the number and scope of occupational licenses has exploded (from covering an estimated 5% of the workforce to covering more than 20%). Research from economists across the political spectrum has found that these regulations generally restrict workers without a corresponding benefit to public health and safety. It is very unlikely that licensure for hunting and fishing guides is worth the economic cost.

Available online at: www.mackinac.org/v2023-17



Jarrett Skorup is the vice president for marketing and communications at the Mackinac Center for Public Policy.