

(3) "Barrel" means any measure of petroleum products or its by-products which consists of 42.0 U.S. gallons of liquid measure.

(b) A person OTHER THAN A VESSEL OR BARGE may not transfer oil in the State without a license.

(c) (1) A license required under this section shall be secured from the Department of the Environment subject to the terms and conditions set forth in this section. The license fee shall be based on a ~~{0.75}~~ ~~1.50~~ cents per barrel fee for oil transferred in the State. However, the fee on any barrel shall be imposed only once, at the point of first transfer in the State.

(2) The license fee shall be paid monthly to the Department and on receipt by the Comptroller, credited to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund. The fee shall be paid no later than the last day of each month or postmarked 2 days before the end of each month for the number of barrels transferred the preceding month. At the time of payment, the licensee shall certify to the Department, on forms as may be prescribed by the Department, the number of barrels of oil transferred by the licensee during the fee month. These records shall be kept confidential by the Department.

(3) When the balance in the Fund from the monthly license fees paid under this subsection into the Fund equals or exceeds a maximum limit of ~~[\$750,000]~~ \$5,000,000, collection of subsequent monthly license fees shall be abated until:

(i) The balance in the Fund from the license fees becomes less than or equal to ~~\$500,000~~ \$4,000,000; or

(ii) There is evidence that the balance in the Fund could be significantly reduced by the recent occurrence of a major discharge or series of discharges.

(4) If a licensee fails to remit the fee and accompanying certification required by this section, the amount of the license fee due shall be determined by the Department from information as may be available. Notice of this determination shall be given to the licensee liable for payment of the license fee. The determination shall finally and irrevocably fix the fee unless the licensee against whom it is assessed, within 30 days after receiving notice of the determination, shall apply to the Department for a hearing or unless the Department, on its own, shall redetermine the fee.

(5) The Department shall promulgate rules and regulations, establish audit procedures for the audit of licensees, and prescribe and publish forms as may be necessary to effectuate the purposes of this section.

(d) As a condition precedent to the issuance or renewal of a license, the Department shall require satisfactory evidence that the applicant has implemented or is in the process of implementing State and federal plans and regulations to control pollution related to oil, petroleum products, and their by-products and the abatement thereof when a discharge occurs.

(e) Any person who violates subsection (b) or (c) of this section is guilty of a