

(1) "Fund" means the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund.

(2) "Transfer" means the offloading or unloading of oil in the State from or to any commercial vessel, barge, tank truck, tank car, pipeline, or any other means used for transporting oil.

(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 fee on any barrel shall be imposed only once, at the point of first transfer in the State. The license fee shall be:

(i) Based on a [1 cent] 2 CENTS per barrel fee for oil transferred in the State and credited to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund; and

(ii) Until July 1, [2000] 2005, based on an additional [0.5 cents] 1 CENT per barrel fee for oil transferred in the State and credited to the [Maryland Oil Disaster Containment, Clean-Up and Contingency Fund] OIL CONTAMINATED SITE ENVIRONMENTAL CLEANUP FUND AS DESCRIBED IN SUBTITLE 7 OF THIS TITLE.

(2) The license fee shall be paid quarterly to the Department and on receipt by the Comptroller, credited to the proper fund. 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 quarter no later than the last day of the month following the fee quarter. These records shall be kept confidential by the Department.

(3) When the balance in the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund from the monthly license fees paid under paragraph (1)(i) of this subsection into the Fund equals or exceeds a maximum limit of \$5,000,000, collection of subsequent monthly license fees under paragraph (1)(i) of this subsection shall be abated until:

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