

**§545. Operation without license prohibited**

No person shall operate or cause to be operated an oil terminal facility as defined in this subchapter without a license. [PL 1969, c. 572, §1 (NEW).]

**1. Expiration of license.** Licenses are issued upon application and are for a period of not less than 12 months to expire no later than 60 months after the date of issuance. The department may issue a temporary license for a shorter period of time if it finds that the applicant has substantially complied but has failed to comply with one or more provisions of existing rules. Licenses are issued subject to such terms and conditions determined by the department as necessary to carry out the purposes of this subchapter.

[PL 1993, c. 355, §9 (AMD).]

**2. Renewal of licenses.** As a condition precedent to the issuance or renewal of a license the department shall require satisfactory evidence that the applicant has or is in the process of implementing state and federal plans and rules and regulations for control of pollution related to oil and the abatement thereof when a discharge occurs.

[PL 1989, c. 890, Pt. A, §40 (AFF); PL 1989, c. 890, Pt. B, §111 (AMD).]

**3. Exemptions.** The Legislature finds and declares that the likelihood of significant damage to marine, estuarine and terrestrial environment, due to spills of oil, petroleum products and their by-products by the following classes of persons, is remote due to the limited nature of their operations and the small quantities stored, and accordingly exempts the same from the licensing requirements imposed by this section:

A. Persons engaged in the business of servicing the fuel requirements of pleasure craft, fishing boats and other commercial vessels, where the purchaser and the consumer are the same entity and the serviced vessel is 200 feet or less in overall length. [PL 1993, c. 355, §10 (AMD).]

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**4. Certain vessels included.** Licenses issued to any fixed or permanent oil terminal facility must include vessels under the direction or control of such facility and used to transport oil, between such fixed or permanent facility and vessels within state waters. Any person operating or causing to be operated a vessel used to transport oil between a permanent or fixed oil terminal facility and vessels within state waters, which vessel is not subject to the direction or control of that permanent oil terminal facility, shall obtain a license as required by this section. This subsection does not apply to vessels engaged in oil spill response activities.

[PL 1991, c. 698, §5 (AMD).]

**SECTION HISTORY**

PL 1969, c. 572, §1 (NEW). PL 1971, c. 618, §12 (AMD). PL 1977, c. 375, §§6,7 (AMD). PL 1989, c. 890, §§A40,B110, 111 (AMD). PL 1991, c. 698, §5 (AMD). PL 1993, c. 355, §§9,10 (AMD).

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