

# MAINE STATE LEGISLATURE

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New Draft of H. P. 880, L. D. 1049  
FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1612**

H. P. 1482

House of Representatives, May 15, 1981

Reported by The Majority from the Committee on Labor. Printed under  
Joint Rules No. 2.

EDWIN H. PERT, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Provide Occupational Safeguards for Operators of Video Display  
Terminals.**

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Be it enacted by the People of the State of Maine, as follows:

26 MRSA c. 5, sub-c. II-A is enacted to read:

**SUBCHAPTER II-A**

**VIDEO DISPLAY TERMINAL OPERATORS**

§ 251. Definitions

As used in this subchapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Bureau. "Bureau" means the Bureau of Labor within the Department of Manpower Affairs.
2. Employ. "Employ" means employ, suffer or permit to work.
3. Employee. "Employee" means any person employed, suffered or permitted to work by an employer.
4. Employer. "Employer" includes:
  - A. Any person in this State employing any number of persons, whatever the place of employment of such persons;

- B. Any person outside this State employing any number of persons whose usual place of employment is in this State;
- C. Any person acting in the interest of any employer, directly or indirectly;
- D. Labor organizations, with respect to their employment of employees; and
- E. The State, in its capacity as an employer.

5. Terminal. "Terminal" includes any electronic video screen data presentation machines, commonly denominated as video display terminals or cathode-ray tubes. Nothing in this section may be construed to apply to television or oscilloscope screens, except to the extent that they are used as terminals for presentation of verbal or numerical data.

6. Terminal operator. "Terminal operator" means an employee who is engaged in steady terminal work for over 4 hours in a normal day, and who has been so employed by the same employer for at least 6 months.

#### § 252. Workplace conditions

Every employer shall provide for the safety and health of all terminal operators by providing workplace conditions in conformity to any rules promulgated by the bureau. The bureau shall serve as a clearing house for information regarding workplace safety relative to the use of terminals.

#### § 253. Terminal maintenance

Every employer shall provide for semiannual maintenance of all terminals to assure clear presentation of display and proper functioning of all display adjustments.

#### § 254. Employee education

1. Information. Every employer shall provide all employees who are or will be using a terminal with information on each of the following subjects:

- A. The rights and duties created under this subchapter; posting of the statute in a prominent place will satisfy this paragraph;
- B. Hazards associated with terminal use and the symptoms associated therewith, including, but not limited to, the following:

- (1) Deterioration of visual acuity, either temporary or permanent;
- (2) Headache, burning of eyes, effects of normal and excessive terminal flicker;
- (3) Musculoskeletal problems; and
- (4) Changes in color perception; and

C. Precautions which the employee can take to minimize any hazards.

2. Evidence. It shall be prima facie evidence that an employer has complied with subsection 1, if it is shown that each employee described in that subsection has ready access at his place of employment to the following:

A. A copy of this subchapter; and

B. A copy of a pamphlet entitled "Health Protection for Operators of Video Display Terminals, Cathode-ray Tubes," written by Tobi Bergman for the New York Committee for Occupational Safety and Health, Inc.

§ 255. Eye examinations

1. Employers' responsibilities. Every employer shall provide for the visual health and safety of terminal operators in the following manner:

A. Allowing the operator to secure annual optometric or ophthalmological examinations during paid work hours; if the employee, because of his schedule of work, cannot arrange such an examination during work hours, he shall be compensated at his normal rate for such other time as he uses to secure the examination; and

B. Payment of annual examination fees, to the extent that the fees are not paid to the employee through an insurance policy.

2. Examinations; when made. A terminal operator shall be examined within one year after becoming subject to section 251, subsection 6.

§ 256. Rest periods

Terminal operators may not be required to perform steady terminal work for longer than 8 hours each day. The continuous period of terminal work may at no time exceed 2 hours. Terminal operators shall be allowed, for each 2 hours of terminal work, at least 15 minutes away from the terminal, either as a paid rest period or performing appropriate alternative tasks.

§ 257. Penalties

Any violation of this subchapter or any regulation, rule or order promulgated by the bureau to effectuate or supplement this subchapter shall subject the employer to assessment of a civil penalty of not more than \$200 for each violation. For purposes of this section, each day of a continuing violation constitutes a separate violation.

§ 258. Administration and enforcement

The bureau is charged with the administration and enforcement of this subchapter and may make and enforce reasonable rules for the enforcement of this subchapter pursuant to Title 5, chapter 375, subchapter II and, through its officers or agents, inspect any workplace where terminals are used.

## FISCAL NOTE

The new draft provides for significant cost savings over the original form to both public and private sector employers. As redrafted, Central Computer Services estimates the following costs of compliance:

	<b>First Year</b>	<b>Second &amp; Subsequent Years</b>
General Fund	\$1,750	less than \$2,500
Dedicated Revenues	5,250	less than 7,500

## STATEMENT OF FACT

This new draft provides for the occupational safety and health of operators of video display terminals by requiring the employer to implement some basic measures recommended by a number of recent studies:

1. Safe workplace conditions;
2. Careful maintenance of terminals;
3. Information about employees' rights, the hazards and symptoms of video display terminal operation and precautions they should take;
4. Annual eye examinations; and
5. Periods of rest or alternative work away from video display terminal work.

Penalties of up to \$200 per violation are provided, with administration and enforcement by the Bureau of Labor.