

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1049

H. P. 880

House of Representatives, February 26, 1981

Referred to the Committee on Labor. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Beaulieu of Portland.

STATE OF MAINE

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

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

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; and

D. Labor organizations, with respect to their employment of employees.

5. Glare index. "Glare index" means the measure of glare as determined by the method described in the Illuminating Engineering Society in the 1973 edition of "The Illuminating Engineering Society Code for Interior Lighting."

6. 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.

§ 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 of the bureau and including, but not limited to, provisions for the following:

1. Illumination and glare. The glare index of no office shall exceed 16. Eye strain shall be accommodated by implementation of one or more of the following measures:

A. The use of indirect lighting;

B. Recessing direct lighting fixtures and mounting louvers or other special covers to direct their light downward, rather than permit it to be diffused;

C. The use of antireflection filters on terminals.

2. Furniture arrangement. Terminals shall not be arranged so as to direct the primary heat exhausts, without intervening ducts, walls or insulation, within 4 feet of the place where any person is stationed for periods of time.

§ 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 perceptions; 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 therein 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. Ophthalmological examinations

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

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

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

C. Payment to the employee of an amount equal to the cost to that employee of any necessary and proper refractive lenses or replacement lenses that are called for by the annual examination.

2. Examinations; when made. An employee to be assigned to terminal work shall be examined before beginning the assignment, or within 30 days thereafter, and again in each subsequent year he is so employed. Where employees have been assigned to terminal work prior to the effective date of this subchapter, these employees shall be examined within 90 days of that date.

§ 256. Rest periods

Employees engaged in terminal work shall be allowed a 15-minute rest period, with pay, for each 2 hours of this work. The period may be scheduled for the convenience of the employer but the continuous period of work shall at no time exceed 2 hours.

§ 257. Terminals

1. **Mandatory features.** All terminals must be equipped with the following features:

A. Detachable keyboard or other device which allows the operator to maintain both a correct viewing posture and a proper typing position; and

B. Brightness and contrast controls which are readily adjustable by the operator.

2. **Application.** The provisions of this section shall not apply to terminals already in use on the effective date of this subchapter so long as such terminals are used in the same manner by the same employer.

§ 258. Furniture

1. **Furniture required.** Each operator of a terminal shall be provided with the following furniture for use with that terminal:

A. A chair, capable of being adjusted for seat and backrest heights and backrest tension; and

B. An adjustable table for holding the terminal.

2. **Application; grace period.** No employer may be held liable for violation of this section for one year after the effective date of this subchapter.

§ 259. 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 \$1,000 for each violation. For purposes of this section, each day of a continuing violation constitutes a separate violation.

§ 260. Administration and enforcement

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

STATEMENT OF FACT

This bill 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;
5. Rest periods from video display terminal work; and
6. Equipment and furniture specifications in accordance with standards set by the National Institute for Occupational Safety and Health.

Penalties of up to \$1,000 per violation are provided with administration and enforcement by the Bureau of Labor.