

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 831

6
7 H.P. 657

House of Representatives, February 22, 1983

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

10 EDWIN H. PERT, Clerk

Presented by Representative Beaulieu of Portland.

Cosponsor: Representative Mayo of Thomaston.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Provide Occupational
18 Safeguards for Operators of Video Display
19 Terminals.
20

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

23 26 MRSA c. 5, sub-c. II-A is enacted to read:

24 SUBCHAPTER II-A

25 VIDEO DISPLAY TERMINAL OPERATORS

26 §251. Definitions

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

30 1. Bureau. "Bureau" means the Department of
31 Labor, Bureau of Labor Standards.

1 2. Employ. "Employ" means employ, suffer or
2 permit to work.

3 3. Employee. "Employee" means any person
4 employed, suffered or permitted to work by an
5 employer.

6 4. Employer. "Employer" includes:

7 A. Any person in this State employing any number
8 of persons, whatever the place of employment of
9 those persons;

10 B. Any person outside of this State employing any
11 number of persons whose usual place of employment
12 is in this State;

13 C. Any person acting in the interest of any
14 employer, directly or indirectly;

15 D. Labor organizations, with respect to their
16 employment of employees; and

17 E. The State, in its capacity as an employer.

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

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

29 §252. Workplace conditions

30 Every employer shall provide for the safety and
31 health of all terminal operators by providing
32 workplace conditions in conformity to any rules
33 promulgated by the bureau. The bureau shall serve as
34 a clearinghouse for information regarding workplace
35 safety relative to the use of terminals.

1 §253. Terminal maintenance

2 Every employer shall provide for semiannual
3 maintenance of all terminals to assure clear pre-
4 sentation of display and proper functioning of all
5 display adjustments.

6 §254. Employee education

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

10 A. The rights and duties created under this sub-
11 chapter. Posting of the statute in a prominent
12 place will satisfy this paragraph;

13 B. Hazards associated with terminal use and the
14 symptoms associated therewith, including, but not
15 limited to, the following:

16 (1) Deterioration of visual acuity, either
17 temporary or permanent;

18 (2) Headache, burning of eyes, effects of
19 normal and excessive terminal flicker;

20 (3) Musculoskeletal problems; and

21 (4) Changes in color perception; and

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

24 2. Evidence. It shall be prima facie evidence
25 that an employer has complied with subsection 1, if
26 it is shown that each employee described in that sub-
27 section has already access at his place of employment
28 to the following:

29 A. A copy of this subchapter; and

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

1 §255. Eye examinations

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

5 A. Allowing the operator to secure annual opto-
6 metric or ophthalmological examinations during
7 paid work hours. If the employee, because of his
8 schedule of work, cannot arrange such an examina-
9 tion during work hours, he shall be compensated
10 at his normal rate for such other time as he uses
11 to secure the examination; and

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

15 2. Examinations; when made. A terminal operator
16 shall be examined within one year after becoming sub-
17 ject to section 251, subsection 6.

18 §256. Rest periods

19 Terminal operators may not be required to perform
20 steady terminal work for longer than 8 hours each
21 day. The continuous period of terminal work may at no
22 time exceed 2 hours. Terminal operators shall be
23 allowed, for each 2 hours of terminal work, at least
24 15 minutes away from the terminal, either as a paid
25 rest period or performing appropriate alternative
26 tasks.

27 §257. Penalties

28 Any violation of this subchapter or any regula-
29 tion, rule or order promulgated by the bureau to
30 effectuate or supplement this subchapter shall sub-
31 ject the employer to assessment of a civil penalty of
32 not more than \$200 for each violation. For purposes
33 of this section, each day of a continuing violation
34 constitutes a separate violation.

35 §258. Administration and enforcement

36 The bureau is charged with the administration and
37 enforcement of this subchapter and may make and

1 enforce reasonable rules for the enforcement of this
2 subchapter pursuant to Title 5, chapter 375, subchap-
3 ter II and, through its officers or agents, inspect
4 any workplace where terminals are used.

5 STATEMENT OF FACT

6 This bill provides for the occupational safety
7 and health of operators of video display terminals by
8 requiring the employer to implement some basic mea-
9 sures recommended by a number of recent studies:

10 1. Safe workplace conditions;

11 2. Careful maintenance of terminals;

12 3. Information about employees' rights, the haz-
13 ards and symptoms of video display terminal operation
14 and precautions they should take;

15 4. Annual eye examinations; and

16 5. Periods of rest or alternative work away from
17 video display terminal work.

18 Penalties of up to \$200 per violation are pro-
19 vided, with administration and enforcement by the
20 Bureau of Labor Standards.

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