

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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H.P. 481

House of Representatives, March 7, 1989

Reference to the Committee on Labor suggested and ordered printed.

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by Representative RAND of Portland, Representative RUHLIN of Brewer and Senator TITCOMB of Cumberland.

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STATE OF MAINE

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

---

**An Act to Establish Occupational Health and Safety Standards for  
Operators of Video Display Terminals.**

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

3 26 MRSA c. 5, sub-c. II-A is enacted to read:

5 SUBCHAPTER II-A

7 VIDEO DISPLAY TERMINAL OPERATORS

9 §251. Definitions

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

15 1. Bureau. "Bureau" means the Department of Labor, Bureau  
of Labor Standards.

17 2. Employ. "Employ" means to employ or permit to work.

19 3. Employee. "Employee" means any person engaged to work  
21 on a steady or regular basis as an operator by an employer  
located or doing business in the State.

23 4. Employer. "Employer" means any person, partnership,  
25 firm, association or corporation, public or private, located  
within the State which uses 5 or more terminals within the  
27 State. The term "employer" includes, but is not limited to:

29 A. Any person, partnership, firm, association or  
corporation acting in the interest of any employer, directly  
31 or indirectly; and

33 B. The State, in its capacity as an employer.

35 5. Operator. "Operator" means any employee who normally  
operates a terminal for 4 or more hours per day.

37 6. Terminal. "Terminal" means any electronic video screen  
39 data presentation machine, commonly called video display  
41 terminals, VDTs or cathode-ray tubes, CRTs. The term does not  
apply to television or oscilloscope screens, except to the extent  
43 that they are used as terminals for presentation of verbal or  
numerical data.

45 §252. Requirements

47 Every employer shall provide for the safety and health of  
all terminal operators by providing workplace conditions which  
49 meet the following requirements.

51 1. Work station standards. Every employer shall provide  
user-adjustable work stations and chairs which meet the following  
minimum requirements.

- 1  
3 A. Seats of chairs must be user-adjustable for height, and  
backrests must be user-adjustable to positions behind and  
5 forward of the vertical position.
- 7 B. Chairs must be capable of being swivelled by the user.
- 9 C. The video display terminal table must have a height and  
angle adjustable platform for the video display screen.
- 11 D. The video display terminal table must have a height and  
13 angle adjustable sliding keyboard platform. This  
requirement may be satisfied by use of a video display unit  
15 equipped with an angle-adjustable keyboard.
- 17 E. All video display terminals must be equipped with a  
detachable keyboard.
- 19 F. The employer must provide a copyholder the position and  
angle of which can be adjusted by the user.
- 21 G. Office lighting must be indirect, or direct lighting  
23 must be shielded by appropriate parabolic or polarized  
25 louvers or panels. Where individual work station lighting  
is provided, it must be adjustable by the user so that it  
27 may be directed at the reference materials and not at the  
screen surface.
- 29 H. Direct light, surface reflections and glare must be  
reduced by use of the following methods, as appropriate.
- 31 (1) Video display terminals must be positioned in  
33 relation to artificial and natural light sources in  
35 such a way as to minimize direct light and glare  
reflected from the video display screen into the  
37 operator's eyes.
- 39 (2) Video display screens, at the operator's request,  
must be fitted with contrast enhancement filters or  
41 mesh screens.
- 43 I. Direct noise must be reduced by placing covers over  
impact printers, or by isolating sources of noise such as  
45 impact printers from the rest of the work environment.  
Reflected noise from these sources must be reduced by the  
47 use of sound-absorbing materials in the work environment.
- 49 2. Terminal maintenance. Every employer shall provide for  
the semi-annual maintenance of all terminals to assure clear  
51 presentation of display and proper functioning of all display  
adjustments.

1           3. Work breaks. Employers shall provide flexible work  
2           breaks for all operators. Such work breaks shall be consistent  
3           with the terms of existing collective bargaining agreements in  
4           effect, if any, as required by the nature and intensity of the  
5           work. The following minimum standards shall apply.

7           A. No operator may be required to perform steady terminal  
8           work for longer than 8 hours each day.

9           B. No operator may be required to work at a terminal  
10           continuously for more than 2 hours without a 15-minute break  
11           as a paid rest period provided that an employer may reassign  
12           an operator to other appropriate work away from the terminal  
13           rather than provide a 15-minute rest period. This  
14           alternative work shall be considered part of the working  
15           day. The work break provided for by this paragraph does not  
16           entitle any employee to refuse to perform other suitable and  
17           appropriate work to be assigned to that employee, consistent  
18           with the provisions of any existing collective bargaining  
19           agreement.

21           4. Vision examinations. Any individual who is to be  
22           assigned as an operator shall receive, with the employee's  
23           written consent, an ophthalmological or optometric examination  
24           conforming to the recommended components of an eye and vision  
25           examination established by the American Optometric Association.  
26           The examination must focus on diagnosis of the operator's  
27           specific visual correction needs for the job. The examination  
28           must be made before, or within 30 days after, the employee begins  
29           an assignment. Additional examinations must be made in each  
30           subsequent year the operator is so employed. Employees assigned  
31           as operators prior to the effective date of this chapter shall  
32           receive such an examination within 90 days after the effective  
33           date of this chapter and again in each subsequent year.

34           The employer shall grant operators, without penalty and with  
35           compensation at the operators' normal rate, leave from employment  
36           during paid work hours for baseline and annual vision  
37           examinations.

38           The employer shall provide access to a list of all licensed  
39           ophthalmologists and optometrists within the pertinent community  
40           to employees and shall permit operators to select the provider of  
41           the examination, except as otherwise provided under any  
42           previously or subsequently negotiated group health care agreement  
43           or policy or collective bargaining agreement.

44           No employer may use the results of any ophthalmological or  
45           optometric examination required by this section to screen  
46           prospective operators for suitability for employment.

1 Every employer shall maintain records sufficient to verify its  
2 compliance with this subsection.

3 Any operator who declines the ophthalmological or optometric  
4 examination shall do so in writing. This declination may be  
5 rescinded at any time.

6  
7 5. Employee education and training. Employers shall  
8 establish an education and training program for all operators,  
9 which shall inform operators orally and in writing of the actual  
10 and potential health hazards to which they are exposed in the  
11 course of their employment as operators. This training and  
12 education shall include, at a minimum:

13  
14 A. Notification of the rights and duties created under this  
15 subchapter by posting in a prominent location in the  
16 workplace a copy of the law and by providing to each  
17 operator a written notice which explains these rights and  
18 duties in plain language;

19  
20 B. Notification of health hazards and physical symptoms  
21 associated with terminal use, including, but not limited to:

22  
23 (1) Deterioration of visual acuity, either temporary  
24 or permanent;

25  
26 (2) Headaches, burning of eyes, effects of normal and  
27 excessive terminal flicker;

28  
29 (3) Musculoskeletal problems and cumulative trauma  
30 disorders;

31  
32 (4) Current data on the relationship between video  
33 display terminal use and the incidence among operators  
34 of reproductive dysfunction, miscarriage and birth  
35 defects; and

36  
37 (5) An explanation or description of the precautions  
38 and protective measures which the operator can take to  
39 avoid, minimize or alleviate these symptoms, conditions  
40 or disorders.

41  
42 The bureau shall prepare on an annual basis a safety manual based  
43 on appropriate, current and pertinent data which employers shall  
44 distribute to employees through the education and training  
45 program. The bureau shall also serve as a clearinghouse for  
46 information regarding workplace safety relative to the use of  
47 terminals.

48  
49 Employers shall provide current operators with this education and  
50 training program within 6 months after the effective date of this  
51 chapter, and annually thereafter. Beginning 6 months after the

1 effective date of this chapter, employers shall provide all new  
2 operators with the training and educational program within the  
3 first month of employment as operators.

4 **§253. Employees' rights**

5  
6 The rights and duties of employers and employees with regard  
7 to employees' reports of violations of this subchapter to the  
8 employer or a public body are governed by the Whistleblowers'  
9 Protection Act, chapter 7, subchapter V-B.

10 **§254. Penalties**

11  
12 Any employer who violates this subchapter or any rule or  
13 order adopted or issued by the bureau to carry out or supplement  
14 this subchapter commits a civil violation for which a forfeiture  
15 of not more than \$300 for each violation may be adjudged. For  
16 purposes of this section, each day of a continuing violation  
17 constitutes a separate violation.

18 **§255. Administration and enforcement**

19  
20 The bureau shall administer and enforce the provisions of  
21 this subchapter and shall make and enforce reasonable rules for  
22 the enforcement of this subchapter pursuant to Title 5, chapter  
23 375. The bureau, through its officers or agents, may inspect any  
24 workplace where terminals are used.

25  
26  
27  
28 **STATEMENT OF FACT**

29  
30 During the past decade, a preponderance of evidence shows  
31 several actual and potential health risks associated with video  
32 display terminals VDTs operation. This bill provides for the  
33 occupational safety and health of operators of VDTs by requiring  
34 public and private employers to implement minimum standards to  
35 avoid, alleviate, or mitigate health and safety hazards. These  
36 standards include:

- 37  
38  
39 1. Safe workplace conditions;  
40  
41 2. Periodic maintenance of terminals;  
42  
43 3. Employee education and training programs regarding the  
44 hazards and symptoms of VDT operation, and procedures for proper  
45 VDT operation;  
46  
47 4. Annual eye examinations; and  
48  
49 5. Periods of rest or alternative work away from VDT.  
50  
51

1

Penalties of up to \$300 per violation are provided, with administration and enforcement by the Bureau of Labor Standards.