

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 934

H.P. 655

House of Representatives, March 6, 1991

Received by the Clerk of the House on March 4, 1991. Referred to the Committee on Labor and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative RUHLIN of Brewer.

Cosponsored by Representative RAND of Portland, Senator TITCOMB of Cumberland and Speaker MARTIN of Eagle Lake.

STATE OF MAINE

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

An Act to Regulate the Use of Video Display Terminals.



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

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50
52

Sec. 1. 26 MRSA §§253 to 256 are enacted to read:

§253. Requirements

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

1. Work station standards. Every employer shall maintain the following workplace conditions.

A. Terminals must be positioned in relation to light sources in such a way as to minimize direct light and glare reflected from the video display screen into the operator's eyes.

(1) If an operator finds glare and reflection from the video display screen unacceptable, the employer shall promptly attempt to reduce glare and reflection through other means, at the option of the employer, including:

(a) Repositioning the terminal;

(b) Shading, relocating or replacing light fixtures;

(c) Supplying the operator with any special equipment designed to reduce the glare or reflection problem; or

(d) Any other methods to attempt to alleviate the problem.

(2) If an operator continues to find glare and reflection from the video display screen unacceptable after the employer's attempts under subparagraph (1), the video display screen must be fitted with a contrast enhancement filter or mesh screen unless the operator specifically declines the filter or screen.

B. Chairs must be capable of being swiveled by the user unless the user specifically declines such a chair.

C. Either the seat of the chair must be user-adjustable for height or the terminal table must have a height-adjustable platform. The height of the seat must allow the operator to place the operator's feet firmly on a support surface.

2. Work breaks. Employers shall provide flexible work breaks for all operators as provided in this subsection. These

2 work breaks must be consistent with any applicable collective
4 bargaining agreement provided that in no case may an operator be
6 required to work a terminal continuously for more than 2 hours
8 without a 15-minute break as a paid rest period. An employer may
10 reassign an operator to other appropriate work away from the
12 terminal rather than provide a 15-minute rest period. This
14 alternative work must be considered part of the working day.
16 This subsection does not entitle any employee to refuse to
18 perform other suitable and appropriate work assigned to that
20 employee, consistent with any applicable collective bargaining
22 agreement.

24 3. Leave for vision examinations. Unless specifically
26 declined by an operator, the employer shall grant every operator,
28 other than a temporary or seasonal operator, paid leave from
30 employment during work hours for base line and annual vision
32 examinations without penalty. The employer is not required to
34 pay for these vision examinations except as provided in section
36 592.

38 **§254. Employees' rights**

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

48 **§255. Penalties**

50 Any employer who violates this subchapter or any rule or
52 order adopted or issued by the bureau to carry out or supplement
54 this subchapter commits a civil violation for which a forfeiture
56 of not more than \$300 for each violation may be adjudged. For
58 the purposes of this section, each day of a continuing violation
60 constitutes a separate violation.

62 **§256. Administration and enforcement**

64 The bureau shall administer and enforce this subchapter and
66 shall adopt reasonable rules for the enforcement of this
68 subchapter under Title 5, chapter 375. The bureau, through its
70 officers or agents, may inspect any workplace where terminals are
72 used.

74 **Sec. 2. Appropriation.** The following funds are appropriated
76 from the General Fund to carry out the purposes of this Act.

78 1991-92 1992-93

80 **LABOR, DEPARTMENT OF**

Regulation and Enforcement

2			
	Positions	(1)	(1)
4	Personal Services	\$26,640	\$38,376
	All Other	29,625	11,900
6	Capital Expenditures	1,500	
8	Provides funds for an		
	Occupational Health		
10	Specialist position to handle		
	complaints and for compliance		
12	in the private sector.		
14	DEPARTMENT OF LABOR		
	TOTAL	<u>\$57,765</u>	<u>\$50,276</u>
16			

STATEMENT OF FACT

20 During the past decade, a preponderance of evidence shows
22 several actual and potential health risks associated with video
display terminals, VDT operation. This bill provides for the
24 occupational safety and health of an operator of a VDT by
requiring public and private employers to implement minimum
standards to avoid, alleviate or mitigate health and safety
26 hazards.