

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 917

S.P. 336

In Senate, March 21, 1995

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

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator McCORMICK of Kennebec.
Cosponsored by Senator: BUSTIN of Kennebec, Representative: BOUFFARD of Lewiston.

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

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

6 **§253. Requirements**

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

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

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

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

34 (a) Repositioning the terminal;

36 (b) Shading, relocating or replacing light
38 fixtures;

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

46 (d) Any other methods to attempt to alleviate the
48 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 swivel chairs unless the operator
specifically declines such a chair.

C. Either the seat of the chair must be 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 **2. Work breaks.** Employers shall provide flexible work
4 breaks for all operators as provided in this subsection. These
6 work breaks must be consistent with any applicable collective
8 bargaining agreement except that an operator may not be required
10 to work at a terminal continuously for more than 2 hours without
12 a 15-minute break as a paid rest period. An employer may
14 reassign an operator to other appropriate work away from the
 terminal rather than provide a 15-minute rest period. This
 alternative work must be considered part of the working day.
 This subsection does not entitle any employee to refuse to
 perform other suitable and appropriate work assigned to that
 employee, consistent with any applicable collective bargaining
 agreement.

16 **3. Leave for vision examinations.** Unless specifically
18 declined by an operator, the employer shall grant every operator,
20 other than a temporary or seasonal operator, paid leave from
22 employment during work hours for base line and annual vision
 examination without penalty. The employer is not required to pay
 for these vision examinations except as provided in section 592.

24 **§254. Employees' rights**

26 The rights and duties of employers and employees with regard
28 to employees' reports of violations of this subchapter to the
 employer or a public body are governed by the Whistleblowers'
 Protection Act.

30 **§255. Penalties**

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

38 **§256. Administration and enforcement**

40 The bureau shall administer and enforce this subchapter and
42 shall adopt reasonable rules for the enforcement of this
44 subchapter under the Maine Administrative Procedure Act. The
 bureau, through its officers or agents, may inspect any workplace
 where terminals are used.

STATEMENT OF FACT

2

4 This bill requires all employers in this State who use 2 or
more video display terminals to maintain the following workplace
station standards.

6

8 1. This bill requires an employer to locate video display
terminals in such a way as to reduce glare on the video display
screen caused by reflected light. If the operator continues to
10 find glare unacceptable, the employer must take additional steps,
at the employer's option, to limit glare.

12

14 2. This bill requires an employer to provide swivel chairs
for operators, unless the operator specifically declines such a
chair.

16

18 3. This bill requires employers to provide flexible work
breaks for video display terminal operators.

20

4. This bill provides for paid leave for vision
examinations.

22

24 5. This bill also enacts enforcement and penalty provisions.