

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1166

S.P. 387

In Senate, February 9, 1999

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

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator RAND of Cumberland.  
Cosponsored by Representative HATCH of Skowhegan and  
Senator CATHCART of Penobscot, Representatives: BRYANT of Dixfield, DUDLEY of  
Portland, GOODWIN of Pembroke, SAMSON of Jay.

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. Workplace conditions. Every employer shall maintain the  
16 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, by choosing an option, including, but not  
34 limited to, the following:

36 (a) Repositioning the terminal;

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

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

48 (d) Any other methods to attempt to alleviate the  
50 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  
3        breaks for all operators as provided in this subsection. These  
4        work breaks must be consistent with any applicable collective  
5        bargaining agreement except that an operator may not be required  
6        to work at a terminal continuously for more than 2 hours without  
7        a 15-minute break as a paid rest period. An employer may  
8        reassign an operator to other appropriate work away from the  
9        terminal rather than provide a 15-minute rest period. This  
10       alternative work must be considered part of the working day.  
11       This subsection does not entitle any employee to refuse to  
12       perform other suitable and appropriate work assigned to that  
13       employee, consistent with any applicable collective bargaining  
14       agreement.

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

#### 21       **§254. Employees' rights**

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

#### 26       **§255. Penalties**

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

#### 33       **§256. Administration and enforcement**

34       The bureau shall administer and enforce this subchapter and  
35       shall adopt reasonable rules for the enforcement of this  
36       subchapter. The bureau, through its officers or agents, may  
37       inspect any workplace where terminals are used. Rules adopted  
38       pursuant to this section are routine technical rules pursuant to  
39       Title 5, chapter 275, subchapter II-A.

## SUMMARY

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4       This bill requires employers to maintain the following  
workplace conditions with respect to video display terminals.

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8       1. This bill requires an employer to place 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  
find glare unacceptable, the employer must take additional steps  
10 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.

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

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

24

5. This bill also enacts enforcement and penalty provisions.