

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS

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STATE OF MAINE

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general operating expenses to
administer the proposed facility.

DEPARTMENT OF THE SECRETARY OF STATE		
TOTAL	\$127,455	\$150,819

See title page for effective date.

CHAPTER 511

S.P. 550 - L.D. 1521

An Act to Clarify the Definition of Seasonal Workers under the Workers' Compensation Law

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

39 MRSA §2, sub-§2, ¶B-1, as enacted by PL 1987, c. 559, Pt. B, §14, is amended to read:

B-1. Notwithstanding paragraphs A and B, the average weekly wage of a seasonal worker shall be determined by dividing the employee's total wages, earnings or salary for the prior calendar year by 52.

(1) For the purposes of this paragraph, the term "seasonal worker" does not include any employee who is customarily employed, full time or part time, for more than 26 weeks in a calendar year. The employee need not be employed by the same employer during this period to fall within this exclusion.

(2) Notwithstanding subparagraph (1), the term "seasonal worker" includes, but is not limited to, any employee who is employed directly in agriculture or in the harvesting or initial hauling of forest products.

See title page for effective date.

CHAPTER 512

H.P. 481 - L.D. 661

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

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

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

SUBCHAPTER II-A

VIDEO DISPLAY TERMINAL OPERATORS

§251. Definitions

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

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

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

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

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

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

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

5. Operator. "Operator" means any employee whose primary task is to operate a terminal for more than 4 consecutive hours, exclusive of breaks, on a daily basis.

6. Terminal. "Terminal" means any electronic video screen data presentation machine, commonly called video display terminals, VDTs or cathode-ray tubes, CRTs. The term does not apply to television or oscilloscope screens, cash registers or memory typewriters.

§252. Education and training

Every employer shall establish an education and training program for all operators as provided in this section.

1. Requirements. An employer's education and training program shall be provided both orally and in writing and shall include, at a minimum:

A. Notification of the rights and duties created under this subchapter by posting in a prominent location in the workplace a copy of this subchapter and a written notice that explains these rights and duties in plain language;

B. An explanation or description of the proper use of terminals and the protective measures that the operator may take to avoid or minimize symptoms or conditions that may result from extended or improper use of terminals; and

C. Instruction related to the importance of maintaining proper posture during terminal operation and a description of methods to achieve and maintain this posture, including the use of any adjustable work station equipment used by the operator.