

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

OF THE

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.

2. Literature; clearinghouse. The bureau shall recommend to employers, for use in education and training programs, occupational safety literature that provides appropriate, current and pertinent data on terminal use. The bureau shall also serve as a clearinghouse for information regarding workplace safety and health relative to the use of terminals.

3. Training schedule. Employers shall provide current operators with this education and training program within 6 months after the effective date of this section and annually thereafter. Beginning 6 months after the effective date of this section, employers shall provide all new operators with the education and training program within the first month of employment as operators.

See title page for effective date.

CHAPTER 513

S.P. 311 - L.D. 816

An Act to Increase Safety on Maine Roads and Protect the General Welfare

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

Sec. 1. 29 MRSA §532, first ¶, as amended by PL 1983, c. 553, §46, is further amended to read:

Any person who is at least 15 years of age and has completed a course in driver education as provided in section 583 may apply to the Secretary of State for an instruction permit. The Secretary of State may, in ~~his~~ the Secretary of State's discretion, after an applicant has successfully passed all parts of an examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant, while having ~~such~~ the permit in ~~his~~ the applicant's immediate possession, to drive a motor vehicle upon the public highways for a period of ~~one year~~ 18 months when accompanied by a licensed operator who has at least one year of driving experience and is at least 18 years of age and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle or motor driven cycle. If any such licensed operator, while accompanying an applicant and occupying a seat beside the driver while the vehicle is being operated on a public way, has ~~his mental or physical functioning substantially~~ impaired mental or physical functioning as a result of the use of intoxicating liquor or drugs, ~~such~~ that licensed operator is guilty of a ~~misdemeanor~~ Class E crime. The Secretary of State may, in ~~his~~ the Secretary of State's discretion, issue a restricted instruction permit effective for a school year or for a restricted period to an applicant who is enrolled in a driver education program which includes practice driving. ~~Such~~ That instruction permit shall only be valid when the applicant is accompanied by an instructor approved by the Commissioner of Educational and Cultural Services or ~~eligible~~ a commercial driver education ~~instructors~~ instructor licensed by the Department of ~~Business, Occupational and Professional and Financial Regulation, Board of Commercial Driver Education.~~ Any person who has not held

a Maine operator's license during one of the 3 preceding years may apply for an instruction permit.

Sec. 2. 29 MRSA §532, as amended by PL 1983, c. 553, §46, is further amended by adding after the first paragraph a new paragraph to read:

A person under the age of 17 years may not apply for an operator's license until 3 months after the date of issue of an instruction permit to that person.

Sec. 3. 29 MRSA §538 is amended to read:

§538. Age limit

No operator's license ~~shall~~ may be issued to any person under ~~15~~ 16 years of age, except a special restricted license as provided in section 538-A.

Sec. 4. 29 MRSA §538-A is enacted to read:

§538-A. Special restricted license

A person who has reached the age of 15 years and who has successfully completed a driver education course as provided in section 583 may apply to the Secretary of State for a special restricted license based on educational or employment need. The Secretary of State shall supply the application form. If the applicant qualifies under subsection 1 or 2, after passing an examination for operation of a motor vehicle as provided in section 581, a special restricted license shall be issued to the applicant.

1. Educational need. A person qualifies for a special restricted license based on educational need by filing a notarized signed application including: a statement from the applicant and the applicant's parent or guardian that no readily available alternative means of transportation exists and that use of a motor vehicle is necessary for transportation to and from a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a vocational center or a vocational region which the applicant is attending; a verification of school attendance; and the lack of a readily available alternative means of transportation by the principal of the school.

Notwithstanding the first paragraph of this section, a person between the ages of 16 and 17 is not required to complete a driver education course in order to qualify for a restricted license based on educational need.

A special restricted license issued under this subsection only authorizes the holder to operate a motor vehicle between the holder's residence and school.

2. Employment need. A person qualifies for a special restricted license based on employment need by filing a notarized signed application including: a statement from the applicant and the applicant's parent or guardian that no readily available alternative means of transportation exists and that use of a motor vehicle is necessary for transporta-