

## New Hampshire Indian Burial Laws

Friday, 26 February 2010 17:48

### NEW HAMPSHIRE

**Citation:** Discovery of Human Remains (NH Rev. Stat. Ann. §227-C:8 a-g); Historic Preservation (NH Rev. Sta. Ann. §227-C 1); Cemeteries (NH Rev. Stat. Ann. §289:1); Burials and Disinterments (NH Rev. Stat. Ann. §.290:1).

**Date Enacted:** Human remains provisions passed in 1986; amended 1987, 1996

**Summary:** If human remains and associated artifacts are uncovered as part of a long term archaeological project, the State Archaeologist must be notified within five days. Any known living descendent or affinity group must also be notified and consulted. The remains may be excavated and curated prior to final disposition. Non-destructive analysis also may be done without the State Archaeologist's permission and completed within four years. For remains discovered outside of archaeological research including construction and agricultural activities, the action stops immediately and the medical examiner is notified to determine if it is a crime scene. If not, the medical examiner notifies the State Archaeologist who has 48 hours to make arrangements with landowner for protection or removal. If landowner agrees to excavation, a staff archaeologist will assess the biological or cultural characteristics within two days or longer if the land owner agrees. If the remains are Native American, the State Archaeologist notifies the affiliated tribe or individual to determine treatment. The tribe has four weeks to communicate in writing its wishes. Within 90 days, a written agreement will be developed including type of analysis, timetable and a plan for disposition. If no agreement is reached in 90 days, the State Historic Preservation Officer and Commissioner of Indian Affairs will determine the terms of agreement. If the remains are other than Native American, the professional archaeologist will publish notice of excavation in local paper for four weeks. If kin relations are identified, they will have 90 days to develop an agreement. If no determination of kin is made, the State Archaeologist takes control of the remains for curation after analysis.

**Jurisdiction:** All state and private lands in New Hampshire.

**Statute of Limitations:** Not specified.

**Areas Covered Under Act:** All human remains in unmarked graves.

**Ownership:** State Archaeologist has jurisdiction.

**Review/Consultation Committee:** The closest associated Native American tribe or group and the State Archaeologist.

**Liable:** Anyone who knowingly acquires human remains from an unmarked burial, exhibits, sells, or retains human remains beyond the approved analysis time frame.

**Penalties:** Violations of the statute are a misdemeanor with fines up to \$1,000 and or up to six months in jail. Forfeiture of equipment and restitution to state may also be mandated.

**Exemptions:** Not specified.

**Permitting:** Permits for archaeological excavations issued through the Division of Historic Resources.