§ 295. Removal of remains of deceased members of armed forces. Upon a verified petition presented to a judge of a court of record by any armed forces' organization in any town or city in this state by a majority of its officers, or a majority of any memorial committee in any town or city where there are two or more veteran armed forces' organizations, or in towns or cities where there are no veteran armed forces' organizations, upon the petition of five or more veterans of the armed forces, the judge to whom said verified petition is presented shall make an order to show cause, returnable before him or her at a time and place within the county in not less than fourteen or more than twenty days from the date of presentation of said petition, why the remains of any deceased members of the armed forces buried in potter's field, or in any neglected or abandoned cemeteries, should not be removed to and reinterred in a properly kept incorporated cemetery in the same town or city or in a town adjoining the town or city in which the remains of a deceased member of the armed forces are buried, and to fix the amount of the expenses for such removal and reinterment, and the order to show cause shall provide for its publication in a newspaper, to be designated in the order, which is published nearest to the cemetery from which the removal is sought to be made, once in each week for two successive weeks. The verified petition presented to the judge shall show that the petitioners are a majority of the officers of a veteran armed forces organization, or a majority of a memorial committee in towns or cities where two or more veteran armed forces organizations exist, or that the petitioners are honorably discharged veterans of the armed forces in towns or cities where no veteran armed forces organization exists, or that the petitioners have a qualifying condition, as defined in section one of the veterans' services law, and received a discharge other than bad conduct or dishonorable from such service and are in towns or cities where no veteran armed forces organizations exist, or that the petitioners are discharged LGBT veterans, as defined in section one of the veterans' services law, and received a discharge other than bad conduct or dishonorable from such service and are in towns and cities where no veteran armed forces organizations exist, and (1) the name of the deceased member or members of the armed forces, whose remains are sought to be removed, and if known the unit in which he, she or they served; (2) the name and location of the cemetery in which he or she is

interred and from which removal is asked to be made; (3) the name and location of the incorporated cemetery to which the remains are desired to be removed and reinterred; (4) the facts showing the reasons for such removal. Upon the return day of the order to show cause and at the time and place fixed in said order, upon filing proof of publication of the order to show cause with the judge, if no objection is made thereto, he or she shall make an order directing the removal of the remains of said deceased member or members of the armed forces to the cemetery designated in the petition within the town or city or within a town adjoining the town or city in which the remains are then buried and shall specify in the order the amount of the expenses of such removal, which expenses of removal and reinterment, including the expense of the proceeding under this section, shall be a charge upon the county in which the town or city is situated from which the removal is made and such expenses shall be a county charge and audited by the board of supervisors of the county and paid in the same manner as other county charges. On and after the removal and reinterment of the remains of the deceased member or members of the armed forces in the armed forces' plot, the expenses for annual care of the grave in the armed forces' burial plot to which the removal is made shall be annually provided by the town or city in which the remains were originally buried, at the rate of not to exceed twenty dollars per grave, and shall be paid annually to the incorporated cemetery association to which the remains of each deceased member of the armed forces may be removed and reinterred. The petition and order shall be filed in the county clerk's office of the county in which the remains of the deceased member of the armed forces were originally interred, and the service of a certified copy of the final order upon the cemetery association shall be made prior to any removal. Any relative of the deceased member or members of the armed forces, or the officer of any cemetery association in which the remains of the deceased member or members of the armed forces were originally interred, or the authorities of the county in which the member or members of the armed forces were originally buried, may oppose the granting of said order and the judge shall summarily hear the statement of the parties and make such order as the justice and equity of the application shall require. Any headstone or monument which marks the grave of the deceased member of the armed forces shall be removed

and reset at the grave in the cemetery in which the removal is permitted to be made and in each case the final order shall provide the amount of the expenses of such removals and reinterment and resetting of the headstone or monument, including the expenses of the proceedings under this section; except that where provision is otherwise made for the purchase or erection of a new headstone, monument or marker at the grave in the cemetery to which such removal is permitted, such old headstone or monument need not be so removed and reset, in which case such final order shall not provide for the expense of resetting. The order shall designate the person or persons having charge of the removals and reinterments. Upon completion of the removal, reinterment and resetting of the headstones or monuments, the person or persons having charge of the same shall make a verified report of the removal, reinterment and resetting of the headstone or monument and file the report in the clerk's office of the proper county. The words "member of the armed forces" shall be construed to mean a member of the armed forces who served in the armed forces of the United States and who (5) was honorably discharged from such service, or (6) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (7) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, and the words "armed forces plot" shall be construed to mean a plot of land in any incorporated cemetery set apart to be exclusively used as a place for interring the remains of deceased veterans of the armed forces of the United States.