

Impact statement from Alison McKellar

It has been almost a year since I spoke with Kristen for the last time but she is still hard wired into my brain as if she were just a phone call away. 32 years of considering her in decisions as simple as whose turn it was to clean up our play room, and as complex as marriage and divorce or the right time to end the suffering of family pet.

She was the person I would call for advice getting water out of my iPhone or to help me rescue a baby squirrel or to watch my two kids.

We went to the same college, lived in the same town, and have, for as long as I can remember, consulted each other on everything from who we were voting for in a local election to what we should do for our parents on mother's or father's day.

Growing up, we became fond of referring to each other as best friends and not just sisters. We emphasized the fact that we were sisters by chance, but best friends by choice.

When we were kids, she was the person I trusted with my secrets. As adults, I trusted her with my children.

Like phone numbers from childhood or a familiar drive, there are things that become burned into your psyche and I don't know if I will ever stop thinking she is here or ever stop having to remind myself a thousand times a day that there's no calling Kristen.

Aside from the very tangible sadness that comes with the unexpected loss of a person you love unconditionally, the impact extends much further. It comes in the form of questions and comments from my children, age 6 and 9, as they attempt to navigate the difficult issues of life, death, loss, and justice.

My older son Colton was standing next to me when I got the news from the warden but my younger son Mason was sleeping. Do I wake him up or tell him in the morning? How will I tell my dad? To wake your father up in the night to tell him that my only sister and his beloved daughter is dead. I don't need to tell anyone what that must be like. Sobbing uncontrollably it's the first time I can remember just losing it in front of my kids. There could be nothing worse than this.

Seeing their pain and my parents pain and being so paralyzed with sadness myself that I didn't know if I could console them, the questions came rapidly.

"Where is Kristen now?"

As I struggled, and continue to struggle, with my own deep grief and notions of the afterlife, I was totally unprepared to share wisdom or hope with my kids, but determined not to leave them with an utterly hopeless view of the world and what lies beyond.

"Let's listen carefully for a sign from Kristen or from God or from a special animal messenger. What kind of animal would Kristen use as a messenger?"

Several days later, we went to the house she was remodeling in Belfast for the first time. The house we had stopped by so many times. Mason, my youngest, who had remained more quiet for the last couple days, asked a question that made my stomach turn.

"Where is Kristen's body now? Is she still in the lake?"

What else was there to do but to share the truth the best I could? I explained to my then 5 year old the process of cremation and how we thought that's what Kristen would have wanted.

We both just cried.

The person that we were accustomed to seeing nearly every day was off in some other world and her body reduced to ashes. And here were all her tools and the kids' toys from last week's adventure still here just as if Kristen had been out to run an errand.

In shock and completely unsure of whether I was choosing the right words or doing the right thing, I have done my best to answer questions honestly. I tried to do the heaviest crying when I was alone.

Kristen is the person I would have wanted with me to face a tragedy like this. She would have helped me explain it to the kids. She was the person anyone would want in times of crisis. When my parents have gotten sick or had hospital stays or anything big ever happened, it has always been Kristen to the rescue.

She was the heroine for my children too. The archetypal fun aunt. The first non parent they ever spent the night with. I can't think of a single time I ever called her for last minute child care that she said no. She was always delighted to drop things to be with them. She introduced Colton to his first series of books that catapulted him from a reluctant to a voracious reader and they would spend hours discussing hypothetical battles between Greek gods. They made forts in the woods and invented their own national holidays and she would come sweeping into town and rescue them from having to spend an afternoon attending Select Board meetings with their mom.

There is no replacing Kristen. When I can, I record the kids talking about her so that they will remember things later in life that I'm scared they may forget. I was counting on her to be their fun and cheerful aunt forever. A nice balance to their mom who can sometimes be too serious.

There is also no escaping what happened to her. I think about it every time I see a boat. Every time we are at the lake, which has been as little as possible for me, but my kids still like to swim.

"Is that boat going to hit us?" my younger and more cautious child often asks. No, I try to tell them. He sees us.

"What if someone comes along and they can't see us? Or they aren't looking?"

Usually I can answer certain questions with the phrase, "well they would get in so much trouble. That would be considered a serious crime."

I have begun to question all my notions of what is safe. Last year, another friend of mine was hit in her kayak in broad daylight on Megunticook Lake.

The responsibility to look where you are going, and to be able to see what's in front of you, cannot be replaced by any law.

Last week we were on Kristen's paddle board, sitting right next to the floats in Camden harbor, getting a closer look at some fish, and we started drifting toward a dinghy tied up with an outboard motor raised out of the water as you see them lined up on the town floats.

We were in no danger, traveling at the speed that the current of Megunticook River nudges you out into Camden harbor. My six year old shrieked as the propeller was about level with his face. I reached over and pushed us back.

All of us were thinking the same thing. To be hit with a propeller. It's a horrifying and haunting thought.

Kristen was not vengeful and neither am I. She had a tremendous capacity for forgiveness. Part of the lesson from all of this is most certainly to live like Kristen.

There has been one comfort in her death and that is that she lived to help others and to enjoy her life here and now with the people and animals that came into her circle. But Kristen also had a strong sense of right and wrong and justice. She cheered for the underdog and brought desperately injured animals home to recover against all odds.

The night she died was one of the hottest of the summer. I remember because she thought it was ridiculous that I was spending the afternoon and evening in a committee meeting in the stuffy Camden Opera House. It was unbearably hot. She was going out to our dear friend Nate's house on Damariscotta Lake but even if I wasn't going to go, she wanted to be sure I was willing to foster a neglected bunny rabbit she was determined to rescue. I agreed on the condition that she would help with all of the de-matting.

She also wanted to check to make sure we were still on for the weekend plan of going out with my dad on his friend Bob's boat, like we had done so many times as kids. We grew up around boats and I have a lifetime of seeing my family members practice the due diligence that comes with such a monumental responsibility.

In Florida it was the manatees and in Maine, we have our "look out for loons campaign" and I watch each year as most lake visitors take note. They are both much more difficult to see than swimmers.

I can't tell you the number of times I've been on the lake and the driver has slowed down or cut the engine because they thought they heard or saw something.

When we first met with the district attorney, and after, when we learned of the indictment for manslaughter and reckless operation of a watercraft, my children and I were given at least a small amount of peace. The crime was being taken seriously. We could focus on dealing with our grief because seeking justice is not something that should be left to grieving families. Not when the crime is against everyone who uses the lake peacefully.

In Maine, we do not require that a person have a license in order to drive a boat and we don't have traffic lanes crisscrossing our lakes but we have laws that require boaters to act prudently. We have an expectation and a normal "standard of care" if you will, that demands you be able to see what's in front of you and travel no faster than your ability to avoid obstacles such as moorings, floats, boats, kayakers, loons, logs, lobster pots, or swimmers.

Operating a boat on the hottest night of the year at dusk with children and another person in need of some special assistance was perhaps a manageable risk if Mr. Roberts had been willing to slow down to a speed that would keep his own family safe and enable her to hear the screams of my sister and her friend Nate or to see the neon yellow flipper that she waved frantically in the air.

The swimmers and kayakers on the lake that night posed no threat to anyone. My sister was breaking no laws. She chose to enjoy this shared natural resource owned by the State of Maine (which means owned by all of us) in a way that put no other person or animal at risk.

The lakes of Maine belong to everyone and the greater the capacity to do harm to that lake or to the people and animals who use it, the greater the expectation of care.

However, what we saw as the case evolved was a drastic change in philosophy which coincided with the change in leadership in the District Attorney's office. When Mr. Entwistle was assigned to the case,

there was a startling drop in the level of fluency regarding the facts of what had happened and an understanding of boating laws.

I will not dwell on this point, but when I learned that the State would settle for 100 hours of community service and an admission to operating above headway speed in a water safety zone, it felt like the twilight zone. It still does. The legal equivalent of a shrug of the shoulders.

This is something I cannot begin to fathom. 100 hours of community service is what Kristen would do in a month.

Sharing this news with my children has been the most difficult thing since her death.

Before, as I tried to guide my children through these terrible stages of grief in a way that would honor Kristen, and I saw the feelings wrestle between anger and sadness.

The initial response from the District Attorney was a validation for all of us that we did not need to take on the weight of feeling anger toward the boater. The State of Maine would take care of justice, not just for Kristen and her family, but in defense of a normal and reasonable standard of care for operating deadly motorized vehicles in shared spaces.

A hundred hours of community service is a joke. Why even bother going through such a ridiculous exercise and dragging it out for three years? Who benefits? My nine year old put it best. "So basically you can kill someone with your boat and nothing happens?"

When I asked my younger child if there is anything he wanted me to be sure to say, his message was simple. He stopped and thought, shaking and shuddering a little, and said,

"Just that we really, really, really miss Kristen."

On August 2, 2018, we lost someone who meant more to us and to this world than can ever be described. Kristen's death is the result of the negligence of Mr. Roberts. I can forgive him and I will. I hope he uses the rest of his life to do good work.

But today, I blame the state of Maine and the district attorneys office for sending out a message which I believe will have a chilling impact on all of us who use our shared spaces.

Tomorrow the newspaper headlines will declare that the penalty for hitting a swimmer in the water safety zone is 100 hours of community service and we will all be a little less safe.

I will use the rest of my life searching for opportunities to make something good come of Kristen's life and even her death. That's what she would want and I hope that Mr. Roberts and this court will consider the same.