

97 年公務人員特種考試海岸巡防人員考試試題

等 別：三等考試

科 別：各科別

科 目：法學知識與英文（包括中華民國憲法、法學緒論、英文）

考試時間：1 小時

座號：_____

※注意：(一)本試題為單一選擇題，請選出一個正確或最適當的答案，複選作答者，該題不予計分。
(二)本科目共 50 題，每題 2 分，須用 2B 鉛筆在試卡上依題號清楚劃記，於本試題上作答者，不予計分。
(三)禁止使用電子計算器。

- 鄉（鎮、市）公所辦理自治事項違背憲法、法律、中央法令或縣規章者，由何機關予以撤銷、變更、廢止或停止其執行？
(A)中央各該主管機關 (B)縣政府
(C)中央各該主管機關報行政院 (D)縣政府報行政院
- 下列有關我國憲法修改程序之敘述，何者正確？
(A)須由立法院提出憲法修正案，經中華民國自由地區選舉人投票複決，有效同意票過選舉人總額之半數，即通過之
(B)須經立法院立法委員四分之一之提議，二分之一之出席，及出席委員四分之三之決議，提出憲法修正案
(C)須經公民投票提出憲法修正案，並於公告半年後，經中華民國自由地區選舉人投票複決，有效同意票過選舉人總額之半數，即通過之
(D)須經行政院提出憲法修正案，經中華民國自由地區選舉人投票複決，有效同意票過選舉人總額之半數，即通過之
- 下列何者為基本權之核心？
(A)公共利益 (B)人性尊嚴 (C)自由平等 (D)民主共和
- 人權分類中最新、且被稱為二十世紀新人權的是：
(A)社會基本權 (B)自由基本權 (C)參政權 (D)受益權
- 依公職人員選舉罷免法規定，下列那一種候選人之年齡限制最低？
(A)立法委員候選人 (B)縣長候選人 (C)直轄市市長候選人 (D)鄉長候選人
- 立法院通過對於行政院院長之不信任案後，應如何處理？
(A)總統經立法院院長同意後，得解散立法院 (B)總統經諮詢立法院院長後，得解散立法院
(C)總統應立即將行政院院長免職 (D)行政院院長得解散立法院
- 依總統副總統選舉罷免法第 49 條規定，下列何者並非對於候選人競選言論之明文限制？
(A)揭發其他候選人涉及之弊案 (B)煽惑他人犯內亂罪或外患罪
(C)煽惑他人以暴動破壞社會秩序 (D)觸犯其他刑事法律規定之罪
- 下列何人得申請登記為公職人員選舉之候選人？
(A)軍事學校學生 (B)替代役男
(C)鄉鎮市公所辦理選舉事務人員 (D)現職公職人員再行進修者
- 依憲法增修條文之規定，國家機關之職權、設立程序及總員額，得以法律作何種規定？
(A)補充性之規定 (B)準則性之規定 (C)措施性之規定 (D)執行性之規定
- 行政院經行政院會議及那一機關之決議，得增設、裁併各委員會？
(A)立法院 (B)司法院 (C)監察院 (D)考試院
- 下列關於司法院大法官之敘述，何者錯誤？
(A)大法官為終身職
(B)司法院大法官組成憲法法庭，審理政黨違憲之解散事項
(C)司法院院長、副院長均為大法官
(D)司法院大法官由總統提名，經立法院同意而任命

- 12 依憲法之規定，創制、複決兩權，應以何種法源定之？
(A)憲法 (B)法律 (C)行政命令 (D)地方自治條例
- 13 下列人員中，不得主張言論免責權者為：
(A)鄉（鎮、市）民代表 (B)立法委員 (C)考試委員 (D)市議會議員
- 14 關於人民之訴訟權，下列敘述何者錯誤？
(A)訴訟由何種法院受理，應以法律定之
(B)訴訟之進行應以法律定之
(C)現行制度，行政機關有關出租公有房舍之爭訟，應採行政訴訟
(D)現行民事、行政訴訟採二元訴訟制度，分由不同法院審理
- 15 關於宗教自由，下列敘述何者不正確？
(A)國家不得禁止人民信仰特定宗教
(B)國家不得任意干預教會活動
(C)國家對興辦宗教教育的宗教團體應給予特殊獎勵
(D)國家得以法律規範宗教團體財產之管理及處分
- 16 法律命令當事人應為某種行為的規定，在強行法內容的分類中，屬於：
(A)禁止規定 (B)解釋規定 (C)訓示規定 (D)強制規定
- 17 英國著名法學家梅因（Maine）認為法律發展的基本趨勢為：
(A)個人到國家 (B)身分到契約 (C)行政到立法 (D)權利到義務
- 18 全球追求自由、民主與法治的運動，植基於兩塊磐石之上，一為立憲主義，另一個為何？
(A)社會分工論 (B)法實證主義 (C)自然權利 (D)民族精神
- 19 下列何種事項應由立法院以法律規定，不得授權行政機關以法規命令定之？
(A)複查國家考試成績之處理程序 (B)一次記兩大過免職之構成要件
(C)交通工具排放污染物罰鍰之標準 (D)營造業及其從業人員之行為準則
- 20 下列何者不屬立法院之職權？
(A)副總統缺位時，補選副總統 (B)立法院副院長辭職時，補選立法院副院長
(C)提出行政院院長罷免案 (D)提出總統、副總統彈劾案
- 21 依司法院大法官解釋，姓名權係屬憲法所保障的何種自由權？
(A)財產權 (B)人身自由 (C)良心自由 (D)人格權
- 22 下列有關民事損害賠償之敘述，何者錯誤？
(A)民事損害賠償之範圍以被害人所受之損害為限，所失之利益不包括在內
(B)民事損害賠償之範圍，被害人所受之損害及所失之利益皆包括在內
(C)民事損害之發生或擴大，被害人與有過失時，法院得減輕賠償金額
(D)民事損害之發生或擴大，被害人與有過失時，法院得免除賠償金額
- 23 下列何種情形取得不動產物權須登記，否則不生效力？
(A)因繼承而取得 (B)因強制執行而取得
(C)因法律行為而取得 (D)因公用徵收而取得
- 24 夫妻通常法定財產制關係消滅時，於婚姻關係存續中所取得之財產，下列何者屬於剩餘財產分配之對象？
(A)因繼承所取得之財產 (B)因贈與所取得之財產
(C)因工作所取得之薪資 (D)因車禍賠償之慰撫金

- 25 警察鳴空示警後，逃犯不理，警察開槍打傷逃犯的左大腿，此行為：
- (A)成立傷害罪 (B)因為是正當防衛的行為不成立傷害罪
(C)因為是緊急避難的行為不成立傷害罪 (D)因為是依法令的行為不成立傷害罪
- 26 甲慫恿乙殺害乙的父親，下列敘述何者正確？
- (A)甲成立殺害直系血親尊親屬罪的教唆犯，乙成立殺害直系血親尊親屬罪
(B)甲成立普通殺人罪的教唆犯，乙成立殺害直系血親尊親屬罪
(C)甲成立普通殺人罪的間接正犯，乙成立殺害直系血親尊親屬罪
(D)甲成立殺害直系血親尊親屬罪的間接正犯，乙成立殺害直系血親尊親屬罪
- 27 下列何者為股份有限公司之業務執行機關？
- (A)股東會 (B)監察人 (C)董事會 (D)檢查人
- 28 遺囑人所為之遺贈侵害繼承人之特留分時，特留分被侵害之人得向受遺贈人主張何種權利？
- (A)歸扣 (B)扣還 (C)扣減 (D)扣除
- 29 下列何者是屬於行政命令，而非立法院三讀通過之法律？
- (A)海關緝私條例 (B)地方稅法通則
(C)財政收支劃分法 (D)中華民國總統府處務規程
- 30 在儒家心目中，法律與道德的關係為何？
- (A)法律比道德重要 (B)法律與道德互不相侔 (C)法律輔助道德 (D)道德輔助法律
- 31 He is inclined to _____ details. Therefore, his proposals are sometimes not carefully thought-out.
- (A) downscale (B) overlook (C) truncate (D) uphold
- 32 Jessie has to pass one more exam before she is _____ and able to graduate from school.
- (A) home brew (B) home free (C) home front (D) home truth
- 33 This _____ device enables people to feed pictures, photos, or documents into a computer system, and shows the cleverness of its inventor.
- (A) biological (B) cohesive (C) explicit (D) ingenious
- 34 The result of the careless storage and disposal of wastes is the _____ of vectors of disease.
- (A) breeding (B) deleting (C) polluting (D) composing
- 35 It was amazing how she _____ with bringing up three children on less than ten thousand NT dollars a month.
- (A) came up (B) coped (C) filled up (D) stayed
- 36 It is the nature of widely spoken languages to fragment into dialects, then into new languages, as Latin did into French, Italian, Spanish and others.
- (A) Widely spoken languages are descended from dialects.
(B) New languages derive their nature from widely spoken languages.
(C) Widely spoken languages will eventually become fragments and dialects.
(D) Widely spoken languages are likely to develop into new languages.
- 37 People gathered in the square to _____ homage to the king when he visited their village.
- (A) pay (B) give (C) make (D) take
- 38 During the _____ season, the floodwaters covered nearly the whole nation and killed many people.
- (A) cyclone (B) drought (C) monsoon (D) tornado
- 39 There were indications that their actions were not voluntary, and that certain forms of _____ were involved.
- (A) coercion (B) consumption (C) defamation (D) deposition

- 40 It took me a while to _____ in a big city.
 (A) get used to live (B) get used to living (C) be used to live (D) used to live
- 41 The name of my old friend is on the tip of my tongue.
 (A) I am very fond of my old friend. (B) The name of my old friend is too long to pronounce.
 (C) I haven't seen my old friend for ages. (D) I am unable to call my old friend's name.

請回答第 42 題至第 46 題

Why is the world producing so much garbage? Garbage is an unavoidable result of consumption. And to 42 the high standard of living that has been reached in many industrialized countries, we must continue to consume, as the consumption keeps the wheel of industry turning. We use the rapidly disappearing natural resources of the earth to feed the machines of industry, which 43 produce endless quantities of consumer goods. What we haven't been able to do, however, is to find a successful way to 44 all the by-products of industry and the products themselves when they are used up, worn out, or 45.

One of the biggest causes of the garbage problem is the world's exploding population. More and more people means more and more waste. Before the industrial revolution, when the world population was very small, the problem of garbage did not exist. Whatever waste was produced then could be absorbed by the earth without 46 nature's balance, but nature can no longer cope with the amount of garbage that is currently being produced.

- 42 (A) contain (B) entertain (C) maintain (D) ordain
- 43 (A) by contrast (B) in turn (C) more or less (D) to the contrary
- 44 (A) take off (B) consist of (C) dispose of (D) put off
- 45 (A) outdated (B) outfitted (C) outreached (D) outnumbered
- 46 (A) corrupting (B) disrupting (C) retaining (D) sustaining

請回答第 47 題至第 50 題

A slow-rolling series of storms that battered the American West this week brought snowfall and high wind on Thursday to parts of California, where weather-weary residents have already endured lashing rain, heavy snowfall and a destructive tornado. Since the wild weather began slogging ashore on Monday, five deaths in California and two in Colorado have been blamed on storms. On Thursday, up to a 1 foot (30 centimeters) of snow fell on Colorado mountains, and northern Nevada was expecting as much as 7 feet (2.13 meters) on top of the 2-3 feet (more than half a meter) that already had fallen. Conditions were improving on Thursday in Arizona, as water levels quickly fell in a Sedona-area creek that had fattened from a trickle into a river of mud, forcing a dozen neighborhoods to evacuate. Damage assessments were expected to begin on Thursday.

- 47 What was NOT brought about by the storms that battered the American West?
 (A) A tornado (B) Rain (C) Snow (D) An earthquake
- 48 In which state did the storms cause the greatest damage?
 (A) Texas (B) Colorado (C) California (D) Arizona
- 49 According to the passage, the wild weather had taken _____ lives.
 (A) five (B) seven (C) a dozen (D) innumerable
- 50 According to the passage, which of the following statements about the storms is true?
 (A) No residents had to leave their homes for their safety.
 (B) The actual cost of this disaster was evaluated and reported.
 (C) Residents of the affected states remained upbeat throughout the terrible weather.
 (D) The storms did not attack the east coast of America.