## 代號:2101 97年公務人員特種考試海岸巡防人員考試試題

- 等 别:三等考試
- 科 别:各科别
- 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

- ※注意:(一)本試題為單一選擇題,請選出<u>一個正確或最適當的答案,複選作答者,該題不予計分。</u> (二)本科目共50題,每題2分,須用2B鉛筆在試卡上依題號<u>清楚</u>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

(C)中央各該主管機關報行政院

## (B)縣政府

## (D)縣政府報行政院

座號:

- 2 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
- 予列何者為基本權之核心?
   (A)公共利益
   (B)
- (C)自由平等 (D) 民主共和 (B)人性尊嚴 人權分類中最新、且被稱為二十世紀新人權的是: 4 (A)社會基本權 (B)自由基本權 (D)受益權 (C)參政權 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? 5 (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? 6 (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 7 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? 8 (A)軍事學校學生 (B) 替代役男 (D)現職公職人員再行進修者 (C)鄉鎮市公所辦理選舉事務人員 9 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 10 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 11 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

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				丸火・4 2		
12	依憲法之規定,創制、複	央兩權,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,不得主張言語	論免責權者爲:				
	(A)鄉(鎭、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,下列約	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》	さ				
	(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	可者不正確?				
	(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	法律命令當事人應爲某種	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(Ma	ine)認爲法律發展的基本趨	醫勢爲:			
	(A)個人到國家	(B)身分到契約				
18			之上,一爲立憲主義,另一位			
	(A)社會分工論	(B)法實證主義	(C)自然權利	(D)民族精神		
19		以法律規定,不得授權行政				
	(A)複查國家考試成績之處3		(B)一次記兩大過発職之構)			
•	(C)交通工具排放污染物罰約		(D)營造業及其從業人員之物	行為準則		
20	下列何者不屬立法院之職					
	(A)副總統缺位時,補選副約	總統	(B)立法院副院長辭職時,			
0.1	(C)提出行政院院長罷免案	力带区属家社区但陸的启转	(D)提出總統、副總統彈劾領	条		
21		名權係屬憲法所保障的何種				
22	(A)財產權 下別右關民事提案賠償之	(B)人身自由 微述,何考错泪 2	(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?					
		<ul><li>(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</li><li>(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</li></ul>				
		,被害人與有過失時,法院·				
23		(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 下列何種情形取得不動產物權須登記,否則不生效力?				
25	(A)因繼承而取得		· (B)因強制執行而取得			
	©因法律行爲而取得		D因公用徵收而取得			
24		省滅時,於婚姻關係存續中	所取得之財產,下列何者屬於	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			
	©因工作所取得之薪資		(D)因車禍賠償之慰撫金			

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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         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閉接正犯,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         (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         (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         (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         (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         (D)甲成立殺害直系血親尊親屬罪,O)甲核二裂、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,O)甲核二裂者,O)         (A)酸束會       (D)監察人         (C)董事會         28       遺囑人所爲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力         (A)酸束會       (D)相還         (C)加減       (D)         29       下列何者是屬於行政命令,而非立法院三讀通過送法律?         (A)溶漏漏積私條例       (B)出力稅法通則         (C)財政收支劃分法       (D)中華民國總統所約         30       在儒家心目中,法律與道德的關係爲何?         (A)法律比道德重要       (B)法律與道德互不相作       (C)法律輔助道德         31       He is inclined to					
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         26       甲懲恵乙殺害乙的父親,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)甲成立音通殺人罪的射接正犯,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問接正犯,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問接正犯,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問接正犯,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問接正犯,乙成立殺害直系血親尊親屬罪         (A)股東會       (B)監察人         (A)股東會       (B)監察人         (A)股東會       (B)監察人         (A)股東會       (B)出還         (A)防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力         (A)騎扣       (B)出還         (A)騎扣       (B)相選         (C)丁類(本)       (B)地方稅法通則         (C)財政政支劃分法       (D)中華民國總統府的         30       在儒家心目中,法律與道德的關係爲何?         (A)法律比道德重要       (B) A)在目的。         (A)法律比道德重要       (B) A)在目的。         (A) downscale       (B) overlook       (C) truncate         31       He is inclined to					
26       甲 燃 思 乙 殺 書 乙 的 父親 · 下列 敘 述何者 正確 ?         (A) 甲 成 立 殺 書 直 系 血 親 尊 親 屬 罪 的 教 唆 犯 · 乙 成 立 殺 書 直 系 血 親 尊 親 屬 罪         (B) 甲 成 立 普 通 発 人 罪 的 間 接 正 犯 · 乙 成 立 殺 書 直 系 血 親 尊 親 屬 罪         (D) 甲 成 立 殺 書 直 系 血 親 尊 親 屬 罪 的 間 接 正 犯 · 乙 成 立 殺 書 直 系 血 親 尊 親 屬 罪         (D) 甲 成 立 殺 書 直 系 血 親 尊 親 屬 罪 的 間 接 正 犯 · 乙 成 立 殺 書 直 系 血 親 尊 親 屬 罪         (A) 股 束 會       (B) 監 察 人         (C) 軍 事 會       28         道 囑 人 所 為 之 遺 帽 侵 害 繼 承 人 之 特 留 分 诗 傳 弟 留 多 法 侵 喪 吉 承 血 親 尊 親 屬 君         (A) 節 扣       (B) 扣 還         (C) 打 成 切 中 華 民 國 總 大 (D) 中 華 民 國 總 統 府 弱         (A) 節 和       (B) 扣 還         (C) 町 政 攻 支 劃 分 法       (D) 中 華 民 國 總 統 府 弱         (D) 中 華 民 國 總 大 (D) 中 華 民 國 總 統 府 弱       (D) 中 華 民 國 總 統 府 弱         (A) 法 律 比 道 徳 重 要       (B) と々 10 & (C) 士 和 由 世         (A) 古 回 ▲       (B) Overlook       (C) truncate         31       He is inclined to	的行爲不成立傷害罪				
(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         (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         (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         (A)股東會       (B)監察人         (A)股東會       (B)監察人         (A)股東會       (B)監察人         (A)腳和       (B)扣還         (A)腳和       (B)扣還         (A)腳和       (B)扣還         (A)腳和       (B)加方稅法通則         (C)財政收支劃分法       (D)中華民國總統府病         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)社律與道德互不相作         (C)社律軌道德重要       (B) verlook         (C) truncate       (B) overlook         31       He is inclined to details. Therefore, his proposals are sometimes not care:         (A) downscale       (B) overlook       (C) truncate         32       Jessie has to pass one more exam before she is and able to graduate from         (A) home brew       (B) ohome free       (C) home front         33       This device enables people to feed pictures, photos, or documents into cleverness of its inventor.       (A) biological       (B) cohesive       (C) explicit         34       The result of the careless storage and disposal of wastes is the	了為不成立傷害罪				
(B)甲成立普通殺人罪的教唆犯,之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問接正犯,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問接正犯,乙成立殺害直系血親尊親屬罪         (A)股東會       (B)監察人         (A)股東會       (B)監察人         (A)股東會       (B)監察人         (A)協解扣       (B)扣還         (A)歸扣       (B)扣還         (A)歸和私條例       (B)地方稅法通則         (C)財政收支劃分法       (D)中華民國總統府的         30       在儒家心目中,法律與道德的關係爲何?         (A)法律比道德重要       (B)法律與道德互不相侔         (A)法律比道德重要       (B) overlook         (C) truncate       (C) truncate         31       He is inclined to details. Therefore, his proposals are sometimes not care:         (A) downscale       (B) overlook       (C) truncate         32       Jessie has to pass one more exam before she is and able to graduate from         (A) home brew       (B) home free       (C) home front         33       This device enables people to feed pictures, photos, or documents into a cleverness of its inventor.       (A) biological       (B) cohesive       (C) polluting         34       The result of the careless storage and disposal of wastes is the of vectors       (A) breeding       (B) coped       (C) filled up         35       It was amazing how she					
(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弱         (A)股東會       (B)監察人         (A)股東會       (B)監察人         (A)股東會       (B)監察人         (A)歸扣       (B)扣還         (A)歸指       (B)扣還         (A)歸指       (B)扣還         (A)每關細私條例       (B)地方稅法通則         (C)財政收支劃分法       (D)中華民國總統府的         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         (A)法律比道德重要       (B)法律與道德互不相侔         (A)法律比道德重要       (B)法律與道德互不相侔         (A)法律比道德重要       (B)法律與道德互不相侔         (A) 古書、opass one more exam before she is and able to graduate from         (A) downscale       (B) overlook       (C) truncate         32       Jessie has to pass one more exam before she is and able to graduate from       (A) home brew       (B) home free       (C) home front         33       This       device enables people to feed pictures, photos, or documents into cleverness of its inventor.       (A) biological       (B) cohecity					
(0)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       下列何者爲股份有限公司之業務執行機關?         (4)股東會       (6)監察人       (C)董事會         28       遺囑人所爲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力         (4)歸扣       (6)扣還       (C)扣減         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         (5)財政收支劃分法       (D)中華民國總統府援         30       在儒家心目中,法律與道德的關係爲何?       (A)法律比道德重要       (B)法律與道德五不相侔       (C)法律輔助道德         31       He is inclined to details. Therefore, his proposals are sometimes not care:       (A) downscale       (B) overlook       (C) truncate         32       Jessie has to pass one more exam before she is and able to graduate from       (A) home brew       (B) oonesive       (C) home front         33       This device enables people to feed pictures, photos, or documents into a cleverness of its inventor.       (A) biological       (B) cohesive       (C) explicit         34       The result of the careless storage and disposal of wastes is the of vectors       (A) breeding       (D) polluting         35       It was amazing how she with bringing up three children on less than tent to (A) came up       (B) coped       (C) filled up         36       It is the nature of widely spoken languages to fragment into dialects, then into French, Italian, Spanish and others.       (A) Widely spoken languages are likely	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				
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<ul> <li>36 It is the nature of widely spoken languages to fragment into dialects, then into French, Italian, Spanish and others.</li> <li>(A) Widely spoken languages are descended from dialects.</li> <li>(B) New languages derive their nature from widely spoken languages.</li> <li>(C) Widely spoken languages will eventually become fragments and dialects.</li> <li>(D) Widely spoken languages are likely to develop into new languages.</li> <li>37 People gathered in the square to homage to the king when he visited their (A) pay</li> <li>(B) give</li> <li>(C) make</li> </ul>	housand NT dollars a month.				
<ul> <li>French, Italian, Spanish and others.</li> <li>(A) Widely spoken languages are descended from dialects.</li> <li>(B) New languages derive their nature from widely spoken languages.</li> <li>(C) Widely spoken languages will eventually become fragments and dialects.</li> <li>(D) Widely spoken languages are likely to develop into new languages.</li> <li>37 People gathered in the square to homage to the king when he visited their (A) pay</li> <li>(B) give</li> <li>(C) make</li> </ul>	(D) stayed				
<ul> <li>(A) Widely spoken languages are descended from dialects.</li> <li>(B) New languages derive their nature from widely spoken languages.</li> <li>(C) Widely spoken languages will eventually become fragments and dialects.</li> <li>(D) Widely spoken languages are likely to develop into new languages.</li> <li>37 People gathered in the square to homage to the king when he visited their (A) pay</li> <li>(B) give</li> <li>(C) make</li> </ul>	new languages, as Latin did into				
<ul> <li>(B) New languages derive their nature from widely spoken languages.</li> <li>(C) Widely spoken languages will eventually become fragments and dialects.</li> <li>(D) Widely spoken languages are likely to develop into new languages.</li> <li>37 People gathered in the square to homage to the king when he visited their (A) pay (B) give (C) make</li> </ul>	French, Italian, Spanish and others.				
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37       People gathered in the square to homage to the king when he visited their (A) pay         (A) pay       (B) give       (C) make					
(A) pay (B) give (C) make					
	village.				
	(D) take				
38 During the season, the floodwaters covered nearly the whole nation and k	tilled many people.				
(A) cyclone (B) drought (C) monsoon	(D) tornado				
39 There were indications that their actions were not voluntary, and that certain form	is of were involved.				
(A) coercion (B) consumption (C) defamation	(D) deposition				

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- 40It took me a while to \_\_\_\_\_ in a big city.(A) get used to live(B) get used to living
- 41 The name of my old friend is on the tip of my tongue.
  - (A) I am very fond of my old friend.
  - (C) I haven't seen my old friend for ages.

## 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 <u>42</u> 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 <u>43</u> produce endless quantities of consumer goods. What we haven't been able to do, however, is to find a successful way to <u>44</u> all the by-products of industry and the products themselves when they are used up, worn out, or <u>45</u>.

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 <u>46</u> 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	8 In which state did the storms cause the greatest damage?			
	(A) Texas	(B) Colorado	(C) California	(D) Arizona
49	According to the passage, the	e 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.

(C) be used to live

(D) used to live

- (B) The name of my old friend is too long to pronounce.
- (D) I am unable to call my old friend's name.