

97 年公務人員特種考試海岸巡防人員考試試題

等 別：四等考試

科 別：海洋巡護科航海組

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。

- 1 依憲法本文之規定，我國之主權屬於國民全體。此一規定在學說上稱爲：
(A)依法行政原理 (B)國民主權原理 (C)全體主義原理 (D)主權明示原理
- 2 憲法明文規定應徵收之稅目爲何？
(A)所得稅 (B)貨物稅 (C)營業稅 (D)土地增值稅
- 3 依司法院大法官釋字第 499 號解釋，下列何種憲法規定，不得以修憲之方式變更之？
(A)總統之選舉方式 (B)總統之任期
(C)權力分立與制衡之原則 (D)國民大會之職權
- 4 司法院大法官釋字第 340 號解釋認爲，當時公職人員選舉罷免法第 38 條第 2 項規定：「政黨推薦之區域、山胞候選人，其保證金減半繳納。但政黨撤回推薦者，應全額繳納」，無異使無政黨推薦之候選人，須繳納較高額之保證金，形成不合理之差別待遇，違反憲法保障之何種權利？
(A)受益權 (B)自由權 (C)平等權 (D)參政權
- 5 下列何者不屬於訴願制度的目的？
(A)人民的權利保障 (B)立法的監督 (C)行政的自我審查 (D)減輕行政法院的負擔
- 6 一般稱爲「司法人權」或「司法上受益權」之權利爲：
(A)陳情權 (B)請願權 (C)訴願權 (D)訴訟權
- 7 工會組織權（團結權）是最基本的「勞動基本權」，其在性質上與何種基本權利的保障有重疊之處？
(A)財產權 (B)出版自由 (C)講學自由 (D)結社自由
- 8 有關選舉的爭議，我國憲法規定如何解決？
(A)由立法院決定之 (B)聲請司法院解釋之 (C)由法院審判之 (D)由總統協調解決之
- 9 依司法院大法官釋字第 461 號解釋，行政院公平交易委員會委員何以無須受邀出席立法院各委員會備詢？
(A)因行政院公平交易委員會委員爲兼職公職人員
(B)因行政院公平交易委員會委員非機關首長
(C)因行政院公平交易委員會委員依法獨立行使職權，不受外部干涉
(D)因行政院公平交易委員會爲合議制，委員無法個別行使職權
- 10 關於總統與行政院之規定下列何者正確？
(A)根據憲法本文規定，總統依法公布法律，發布命令，不須經行政院院長副署
(B)根據憲法本文規定，行政院院長代行總統職權時，期限不得逾六個月
(C)根據憲法增修條文規定，總統任命行政院院長，需要經過立法院同意
(D)根據憲法增修條文規定，總統解散立法院之命令，無須行政院院長之副署
- 11 死刑制度之存在，與憲法上那項基本人權相衝突？
(A)言論自由權 (B)訴訟權 (C)結社權 (D)生存權
- 12 依據憲法增修條文之規定，行政院院長如何產生？
(A)由總統任命之 (B)由總統提名，經立法院同意後任命之
(C)由立法院內占多席位之政黨黨魁擔任 (D)由立法委員互選產生
- 13 依憲法及司法院大法官釋字第 391 號解釋之見解，下列對預算案之敘述，何者正確？
(A)立法委員不得爲增加支出之提議，但可移動或增減原預算之項目
(B)立法委員不得爲增加支出之提議，亦不可移動或增減原預算之項目
(C)立法委員可爲增加支出之提議，但不可移動或增減原預算之項目
(D)立法委員可爲增加支出之提議，亦可移動或增減原預算之項目

- 14 依憲法增修條文規定，立法院對行政院院長提出不信任案，應經下列所述何項程序？
(A)全體立法委員三分之一以上連署，出席立法委員二分之一以上贊成
(B)全體立法委員四分之一以上連署，全體立法委員三分之二以上贊成
(C)全體立法委員三分之一以上連署，全體立法委員二分之一以上贊成
(D)全體立法委員二分之一以上連署，出席立法委員三分之二以上贊成
- 15 依憲法增修條文之規定，下列那一事項現在已經不屬於考試院的職權？
(A)退休 (B)撫卹 (C)保障 (D)養老
- 16 下列有關我國法律體系的敘述，何者正確？
(A)公、私法並無明確的區分，訴訟時也不分民、刑事訴訟
(B)公、私法區分明確，絕對沒有混合的地帶
(C)原則上區分公、私法，但仍不免有混合的法律，如勞動法等
(D)公、私法區分並不明確，由訴訟當事人決定
- 17 下列何者不可為抵押權之標的？
(A)地上權 (B)永佃權 (C)典權 (D)地役權
- 18 下列各法源，何者必須經由訴訟過程產生？
(A)制定法 (B)成文法 (C)判例 (D)法律學說
- 19 下列法律規定何者不具有道德觀念？
(A)行使權利，履行義務，應依誠實及信用方法 (B)子女應孝敬父母
(C)果實自落於鄰地者，視為屬於鄰地 (D)殺害直系血親尊親屬者，處死刑或無期徒刑
- 20 法律廢止之程序為何？
(A)應經行政院會議通過，行政院院長公布 (B)應經行政院會議通過，總統公布
(C)應經立法院通過，行政院院長公布 (D)應經立法院通過，總統公布
- 21 依司法院大法官解釋，「大學自治」係從何種基本權導出？
(A)講學自由 (B)良心自由 (C)人身自由 (D)出版自由
- 22 依司法院大法官解釋，憲法上之法律保留原則乃何種原則之具體表現？
(A)社會國原則 (B)文化國原則 (C)法治國原則 (D)福利國原則
- 23 法規命令規定自發布日施行者，該命令自何時生效？
(A)自該發布日 (B)自該發布日之次日
(C)自該發布日起算至第三日 (D)自該發布日起算至第四日
- 24 下列有關行政院院長辭職或出缺之敘述，何者正確？
(A)行政院院長辭職或出缺時，由總統直接任命新院長，繼任者至原任期屆滿為止
(B)行政院院長辭職或出缺時，在總統未任命新院長前，由原任院長暫行代理
(C)行政院院長辭職或出缺時，在總統直接任命新院長前，由行政院院會推舉部會首長一人暫行代理
(D)行政院院長辭職或出缺時，在總統未任命新院長前，由行政院副院長代理
- 25 下列有關債權之敘述，何者錯誤？
(A)債權是相對權 (B)債權有不可侵害性
(C)債權無排他性 (D)對同一債務人不得有多數之同一內容債權併存
- 26 甲帶著八歲的兒子逛百貨公司，要兒子趁著店員不注意，將一隻泰迪熊玩具藏在衣服裡面。甲的行為應屬下列何者？
(A)教唆犯 (B)共犯 (C)間接正犯 (D)幫助犯
- 27 下列關於緩刑的說明何者正確？
(A)緩刑期滿未經撤銷，其刑的宣告失其效力
(B)緩刑期滿未經撤銷，五年內再犯有期徒刑以上的罪，視為累犯
(C)緩刑期內若再犯罪而受有期徒刑宣告，不得因此撤銷緩刑宣告
(D)緩刑宣告以每人終生一次為限

- 28 依公司法，甲公司持有乙公司有表決權之股份，超過乙公司已發行之有表決權股份總數半數者，甲乙兩公司間之關係稱爲：
(A)合資企業 (B)聯盟企業 (C)連鎖企業 (D)關係企業
- 29 甲女的婆婆經常在人前人後辱罵甲女，禁止她外出、與朋友交往或回娘家，使得她感到非常痛苦、尊嚴受創、喪失自信、與人群隔絕，甲女因此產生憂鬱症傾向。依照家庭暴力防治法，甲女可以採取何種法律救濟途徑？
(A)向法院聲請核發保護令 (B)向警察局聲請核發保護令
(C)向鄰里長請求核發保護令 (D)向社會局請求核發保護令
- 30 通常法定財產制中，有關夫妻財產之敘述，下列敘述何者錯誤？
(A)夫或妻之財產分爲婚前財產與婚後財產，由夫妻各自所有
(B)不能證明爲婚前財產或婚後財產者，推定爲婚後財產
(C)不能證明爲夫或妻所有之財產，推定爲夫妻共有
(D)夫或妻婚前財產，於婚姻關係存續中所生之孳息，推定爲婚前財產
- 31 My watch keeps time _____. It is now twelve o'clock sharp.
(A) accurately (B) consciously (C) genuinely (D) considerably
- 32 The leaves of the trees begin to _____ because it hasn't rained for a long time.
(A) wither (B) bloom (C) sprout (D) grow
- 33 Peter tends to be jealous of those people who _____ what he does not have.
(A) celebrate (B) lounge (C) motivate (D) possess
- 34 Department stores always draw crowds of shoppers when they are holding annual _____ sales.
(A) attendance (B) clearance (C) overall (D) terminal
- 35 The government was bitterly _____ for the new educational reform, and there were heated debates and unsettled disputes among scholars.
(A) denounced (B) deprived (C) descended (D) detained
- 36 Ho Chi Minh City, _____ known as Saigon, is the cultural center of the Mekong Delta.
(A) however (B) moreover (C) otherwise (D) whenever
- 37 The brave man _____ losing his life, trying to rescue the child from the burning house.
(A) ran the risk of (B) turned his back on (C) took advantage of (D) made a fuss of
- 38 _____ away to the distant horizon, the sea gives people a sense of serenity.
(A) Stretch (B) Stretching (C) To stretch (D) Stretched
- 39 Many parents have lots of trouble _____ with their children.
(A) communicating (B) to communicate (C) being communicated (D) to be communicated
- 40 Peter: The presidential candidate made a good point in his foreign policy.
Mark: Indeed. _____
Peter: Well, it seems that he has got two votes.
(A) He doesn't stand a chance. (B) I see eye to eye with him.
(C) Cat got his tongue? (D) He's biting off more than he can chew.
- 41 Clerk: Northwestern Airlines. How can I help you?
Customer: Hello, I'd like to make a reservation for July 5 at 12 o'clock.
Clerk: _____
Customer: What about one o'clock?
Clerk: One o'clock is fine.
(A) Oh, I'm sorry. We don't take reservations. (B) Oh, the flight was delayed.
(C) I'm sorry. We're fully booked at twelve. (D) I see. How many seats?
- 42 Tom: I plan to visit an English-speaking country this summer.
Su: Really? _____ I have the same plan, too.
(A) Give it a rest. (B) Suit yourself. (C) Let's call it a day. (D) That makes two of us.

請回答第 43 題至第 46 題

The legal age for drinking alcohol in the United States is twenty-one. Underage drinking is a crime but it is also a common part of college 43 life. Therefore, many schools are now starting to 44 their rules. But the policies differ from school to school, so do enforcement efforts.

Now alcohol is banned from university housing. Student organizations can serve alcohol at events but this is allowed only on Friday and Saturday nights. And they must provide for transportation 45 off-campus parties. Other new requirements include an alcohol education program in which first-year students 46 online. Generally speaking, the policies govern behavior on campus and off.

- 43 (A) social (B) academic (C) religious (D) athletic
44 (A) stretch (B) violate (C) abandon (D) strengthen
45 (A) up and down (B) on and off (C) to and from (D) in and out
46 (A) to participate (B) participating (C) be participating (D) participate

請回答第 47 題至第 50 題

Something happened to me when I was 12 and cured me forever of wanting to put any wild creature in a cage.

I was then living with my family on the edge of the woods. Every evening at dusk the mockingbirds would come and perch in the trees and sing. So beautiful was the sound they produced that I decided to catch one and keep it in a cage. In that way I could have my own private musician.

I did succeed in catching one and put it in a cage. I had left the cage out on our back porch, and on the second day of the bird's captivity, its mother flew to the cage and brought some food to it.

The following morning I discovered it on the floor of the cage, dead. I was baffled! What had happened?

Arthur Wayne, the renowned ornithologist, happened to be visiting my father at the time, and hearing me bemoan my bird's fate, explained what had occurred. "A mother mockingbird, finding her young in a cage, will sometimes bring it poison berries. She deems it better for her young to die than to live in captivity."

Never since then have I caught any living creature and put it in a cage. All living creatures have a right to live freely.

- 47 Why did the author want to catch a mockingbird at first?
(A) He wanted to know if he was able to catch a bird.
(B) His father's friend wanted to do an experiment on this kind of bird.
(C) He wanted to find out if the mother of the caged bird would come to feed it.
(D) He wanted to have his own mockingbird.
- 48 Why did the mother bird fly to feed her baby in the cage?
(A) She didn't want her baby to sing for others.
(B) She wanted her baby to have enough energy to sing.
(C) She wanted to poison her baby so that it would not have to live as a captive.
(D) She was worried that her baby might starve to death.
- 49 What does "baffled" mean?
(A) Attracted
(B) Imaginative
(C) Harmful
(D) Puzzled
- 50 Why did the author finally decide not to catch and cage any living creatures?
(A) He wanted to become an ornithologist.
(B) He was unable to make the captured creatures sing.
(C) He realized that all living beings are entitled to live freely.
(D) He was afraid that his mother might kill the captured creatures.