《法學知識與英文》

- (B)1 依憲法規定,憲法規定事項有另定實施程序之必要者,以下列何者定之?
 - (A)憲法增修條文 (B)法律 (C)法規命令 (D)緊急命令
- (B) 2 依憲法增修條文第10 條規定及司法院大法官解釋意旨,下列何者非屬憲法基本國策保障之實踐?
 - (A)政府採購法規定得標廠商員工逾百者應進用一定比例原住民,未進用者令繳代金
 - (B)國家為保障視障者工作權,以身心障礙者保護法規定非視障者不得從事按摩業
 - (C)國軍老舊眷村改建條例規定原眷戶享有承購住字、領取輔助購字款等優惠
 - (D)國家以法律強制已參加公、勞、農保之人員加入全民健康保險
- (A)3 關於基本國策之效力,下列敘述何者錯誤?
 - (A)基本國策之規定,得作為訴訟上請求救濟之依據 (B)指出國家應採行之政策及核心價值取向
 - (C)可補充並強化憲法基本權利之內容 (D)僅具有客觀規範之功能,國家並未因此負有給付義務
- (D) 4 依司法院大法官解釋,有關外國人受驅逐前之暫時收容,下列敘述何者正確?
 - (A)暫時收容之處分,須經由法院為之
 - (B)收容雖屬人身自由剝奪,惟與刑事羈押性質不同,毋須適用司法程序或其他正當法律程序
 - (C)内政部移民署暫時收容期間不得逾24 小時
 - (D)受收容人於暫時收容期間對於暫時收容處分不服,內政部移民署應於24 小時內將受收容人移送法院裁定
- (D)5 依司法院大法官解釋之意旨,有關工作權與比例原則之敘述,下列何者正確?
 - (A)地方自治團體對營業場所距離之限制,違反比例原則
 - (B)以計程車駕駛犯罪為要件,吊扣其執業登記證、廢止其執業登記,仍合乎比例原則
 - (C)道路交通管理處罰條例限制曾犯恐嚇取財罪,經判決確定者,不准辦理計程車駕駛人執業登記,違 反比例原則
 - (D)以外國學歷應牙醫師考試者,須在主管機關認可之醫療機構完成臨床實作訓練之規定,合乎比例原 則
- (D) 6 有關結社自由之敘述,下列何者錯誤?
 - (A)結社自由保障人民團體成立時之命名權及嗣後之更名權
 - (B)結社自由保障人民參與或不參與結社團體之組成及相關事務
 - (C)結社團體代表人或其他負責人產生方式之自主決定權,屬結社自由的保障範圍
 - (D)主張共產主義或分裂國土之結社,不受結社自由之保障
- (A)7 依據司法院大法官解釋之意旨,有關訴訟權之敘述,下列何者錯誤?
 - (A)都市計畫定期通盤檢討,對原都市計畫作必要之變更,屬法規性質,縱直接限制一定區域內特定人之權益,亦不得提起訴願或行政訴訟
 - (B)教師因曠職登記、扣薪、年終成績考核留支原薪等學校具體措施,認其權利或法律上利益受侵害時,得依行政訴訟法或民事訴訟法等規定,向法院請求救濟
 - (C)受羈押被告如認執行羈押機關對其所為之不利決定,逾越達成羈押目的,不法侵害其憲法所保障之權利者,應許其向法院提起訴訟請求救濟
 - (D)律師懲戒覆審委員會所為之決議,屬法院之終審裁判,並非行政處分或訴願決定,不得再行提起行 政爭訟
- (D) 8 依憲法增修條文規定,有關總統、副總統之彈劾程序,下列敘述何者正確?
 - (A)由行政院提出彈劾案,經全體立法委員三分之二以上之決議,應即解職
 - (B)由監察院提出彈劾案,經全體立法委員三分之二以上之決議,應即解職
 - (C)由監察院提出彈劾案,經憲法法庭判決成立,被彈劾人應即解職
 - (D)由立法院提出彈劾案,經憲法法庭判決成立,被彈劾人應即解職
- (D)9 依憲法第107 條規定,下列何者非專屬中央立法並執行之?
 - (A)度量衡 (B)國際貿易政策 (C)涉外之財政經濟事項 (D)行政區劃

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- (B) 10 有關行政院會議,下列敘述何者錯誤?
 - (A)由院長、副院長、各部會首長及不管部會之政務委員組織之
 - (B)以合議方式作成決議,非首長制
 - (C)得議決依法應行提出於立法院之事項,與涉及各部會共同關係之事項
 - (D)行政院院長得激請或指定有關人員列席行政院會議
- (B) 11 依司法院釋字第735 號解釋及立法院職權行使法規定,立法院對行政院院長提出不信任案之處理方式,下列敘述何者正確?
 - (A)不信任案之表決,由全體委員以無記名投票表決
 - (B)立法院得於臨時會中審議不信任案
 - (C)不信任案未獲通過者,於同一會期內不得對同一行政院院長再提不信任案
 - (D)不信任案應於報告事項進行前提出,經院會討論後,交付全院委員會審查
- (A) 12 依司法院釋字第585 號,有關立法院調查權,下列敘述何者錯誤?
 - (A)國家機關獨立行使職權受憲法之保障者,仍得對其行使調查權
 - (B)所欲調查之事項,必須與立法院行使其憲法所賦予之職權有重大關聯
 - (C)應適當尊重屬於行政權本質上所具有之行政特權
 - (D)不以向有關機關調閱文件原本之文件調閱權為限
- (C) 13 關於司法院之組織與職權,下列敘述何者錯誤?
 - (A)設立公務員懲戒委員會審理公務員懲戒事項
 - (B)設立普通法院審理民、刑事訴訟案件
 - (C)設立公務人員保障暨培訓委員會審理公務人員權利救濟事項
 - (D)設立行政法院審理行政訴訟案件
- (D) 14 有關聲請司法院大法官解釋,下列敘述何者錯誤?
 - (A)得聲請司法院大法官解釋條約違憲 (B)法務部不得直接聲請釋憲
 - (C)檢察官不得直接聲請釋憲 (D)法官不得聲請釋憲
- (C) 15 有關考試院院長之敘述,下列何者錯誤?
 - (A)為考試院會議主席 (B)由總統提名,經立法院同意任命之
 - (C)為維持文官中立,考試院院長不得加入任何政黨 (D)任期6 年
- (A) 16 依現行性別工作平等法之規定,女性受僱者如全年請生理假之日數未逾幾天,不併入病假計算? (A)3日 (B)5日 (C)7日 (D)9日
- (C) 17 關於地方制度法自治規則之規定,下列敘述何者錯誤?
 - (A)應由地方行政機關訂定,並發布或下達
 - (B)原則上應於發布後分別函報行政院、中央各該主管機關、縣政府備查
 - (C)原則上應於發布後承送立法院查照
 - (D)自治規則與憲法、法律、基於法律授權之法規、上級自治團體自治條例或該自治團體自治條例抵 觸者,無效
- (B) 18 下列何者原則上不適用我國法律?
 - (A)在我國居住之外國人 (B)停泊在我國港口外國軍艦之外國軍人
 - (C)我國軍人 (D)我國外交部駐外人員
- (D) 19 關於公法與私法區別之實益,下列何者不屬之?
 - (A)案件之審判權劃分 (B)關於案件之強制執行法律依據
 - (C)損害賠償應適用之規範 (D)便於公法私法立法程序之進行
- (A) 20 下列事項何者適用行政程序法之程序規定?
 - (A)原住民身分認定之行為 (B)學校為達成教育目的之內部程序
 - (C)刑事案件犯罪偵查 (D)對公務員所為之人事行政行為
- (C) 21 行政機關以停業處分制裁違章行為人時,未附加停業期限,此一行政處分最可能違反下列何種原則? (A)誠實信用原則 (B)信賴保護原則 (C)明確性原則 (D)平等原則
- (D) 22 某一法律關係之債權行為與物權行為均成立有效,事後債權行為被撤銷,而物權行為仍有效之情形,稱之為:
 - (A)物權行為排他性 (B)物權行為優先性 (C)物權行為追及性 (D)物權行為無因性

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- (D) 23 甲女受乙男脅迫而結婚,於脅迫終止後3 個月向法院請求撤銷婚姻。下列敘述何者錯誤?
 - (A)甲因結婚被撤銷而受有財產上損害,得向乙請求
 - (B)甲因結婚被撤銷而受有精神上損害,得向乙請求
 - (C)甲若因撤銷婚姻而生活陷入困難,可向乙請求給付贍養費
 - (D)甲於婚後所生子女丙,於婚姻撤銷後,為乙之非婚生子女
- (B) 24 民法上A 社團的章程規定,社員總會的決議一律採無記名投票。主持會議的董事長甲便宜行事,讓總會採舉手表決而作成選任乙為監察人的決議。下列有關該決議之敘述,何者正確?
 - (A)不成立 (B)當場表示異議之社員,得於決議後3 個月內請求法院撤銷其決議
 - (C)無效 (D)再經全體社員過半數同意後,始生效力
- (A) 25 依民法之規定,下列有關代物清償之敘述,何者錯誤?
 - (A)代物清償為單方行為
 - (B)代物清償以雙方當事人間原存有債之關係為必要
 - (C)代物清償之要件為債務人須給付他種給付以替代原定給付
 - (D)代物清償之要件為債權人須受領債務人之他種給付以代原定給付
- (C) 26 關於結果加重犯之成立,依刑法規定與實務見解,下列敘述何者錯誤?
 - (A)刑法有處罰結果加重犯之規定 (B)基本行為與加重結果須具備因果關係
 - (C)行為人對加重結果之發生必須有故意 (D)行為人須能預見加重結果發生
- (B) 27 下列何者非刑法上的公務員?
 - (A)農田水利會的會長 (B)臺大醫院聘用的保全人員 (C)各級法院的法官 (D)臺中市議員
- (C) 28 公開上映係專屬於下列何項著作之權利?
 - (A)音樂著作 (B)表演 (C)視聽著作 (D)錄音著作
- (C) 29 關於閉鎖性股份有限公司與非閉鎖性股份有限公司之下列敘述,何者正確?
 - (A)僅閉鎖性股份有限公司可以技術出資,且應於中央主管機關之資訊網站公開其種類、抵充金額與 核給股數
 - (B)兩者皆可經董事會與股東會特別決議私募轉換公司債或附認股權之公司債,不適用公司法第246 條之規定
 - (C)兩者董事會開會均可以視訊會議為之
 - (D)閉鎖性股份有限公司股東人數不可超過60 人,非閉鎖性股份有限公司則無人數上限規定
- (C) 30 依全民健康保險法之規定,保險對象應自行負擔門診或急診費用之比例,下列何者正確?
 - (A)無論醫院等級,均為百分之二十
 - (B)百分之二十,但不經轉診,於地區醫院、區域醫院、醫學中心門診就醫者,應負擔其百分之四十
 - (C)百分之二十,但不經轉診,於地區醫院、區域醫院、醫學中心門診就醫者,應分別負擔其百分之 三十、百分之四十及百分之五十
 - (D)百分之二十,但不經轉診,於地區醫院、區域醫院、醫學中心門診就醫者,應分別負擔其百分之四十、百分之五十及百分之六十
- (B) 31 As soon as the medication, my leg began to hurt again.
 - (A)takes actions (B)wears off (C)sets out (D)passes through
- (C) 32 The of pineapples is much more than demanded, so the price drops.
 - (A)shield (B)field (C)yield (D)quilt
- (C) 33 The mining town has changed beyond during the last decade. It is no longer deserted and lifeless.
 - (A)contribution (B)resignation (C)recognition (D)sensation
- (C) 34 The first play experiences between mother and baby promote a baby's most sense of self and other.
 - (A)complimentary (B)documentary (C)rudimentary (D)supplementary
- (A) 35 The movie "Zootopia" is PG (Parental guidance suggested) for gently rude humor and occasional scariness. (A)rated (B)sized (C)ranked (D)scaled
- (A) 36 The number of giant pandas has as a growing human population has grabbed wild lands for human uses. (A)declined (B)defeated (C)delegated (D)departed
- (D) 37 Adversely affected by the global economic , many businesses went bankrupt and closed down.
 - (A)accession (B)hesitation (C)injection (D)recession

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- (D) 38 Most senior high school students are under pressure to get into a good university.
 - (A)prosperous (B)continental (C)beneficial (D)tremendous
- (B) 39 Initially, text-messaging was for shy teenagers who could communicate with their friends without the need to speak to them.
 - (A)invested (B)invented (C)instituted (D)injected
- (A) 40 It's tempting to the overuse of mobile devices for the deteriorating face-to-face interpersonal communication. (A)blame (B)blend (C)bleed (D)blush

請依下文回答第41 題至第45 題:

Long-term memory store is like the central processor of a computer, which dominates the final management and storage of all the information taken into this memory store. Endel Tulving (1972) 41 that different information is processed and stored at different levels of memory—episodic memory and semantic memory. According to this 42, specific and concrete details of life experience are processed in the episodic memory. 43, perceptions of facts and abstract notions that are not identified by a particular context are stored in the semantic memory. Semantic memory, according to Tulving, is not a separate independent system, but rather a sophisticated store of information 44 details of life or learning experience are contextualized into abstract conceptions. For example, the description of the waitress that you met this morning is presumably stored in the episodic memory whereas the abstract perception (in the semantic memory) of a great educator might be 45 by your experiences with different teachers at different stages of school education.

- (D) 41 (A)assessed (B)doubted (C)evaluated (D)hypothesized
- (A) 42 (A)account (B)notice (C)task (D)aspect
- (D) 43 (A)In all (B)In short (C)In return (D)In contrast
- (C) 44 (A)how (B)whose (C)where (D)through
- (C) 45 (A)confirmed (B)condemned (C)contributed (D)consistent

請依下文回答第46 題至第50 題:

Why would woman want to take a vacation without her family? Some mothers say they need time to be alone. "At home the only place where I can be by myself is the bathroom," one woman said. At Mother's Camp a woman has a room to herself. She can sleep, read, or watch TV, and no one will bother her. No children will ask, "Mom, what's for dinner?" No husband will say, "Honey, I can't find any clean socks." Some women go to Mother's Camp not to be alone, but to be with women who are in familiar situations. "I work full time and have two kids," one woman says. "I take care of my husband, too. I'm incredibly busy. At Mother's Camp I meet other women who are working and raising families. We talk and talk. It helps me to know that other women have the same problems I do." Actually, many women have the same problems as she does. Almost 50 percent of women in the United States work outside the home.

Many of them work full-time and then come home to a second job—taking care of their homes and families. These working women say one of their biggest problems is housework.

- (A) 46 According to the passage, why do women go to Mother's Camp?
 - (A)either to be alone or to make friends with other women
 - (B)to have sun-tan at the beach and sip champagne
 - (C)to learn how to be a good mother
 - (D)to enjoy the time of being a mother
- (C) 47 Half of the American women have a full-time job, and they also have a second job. What is this second job?
 - (A)to be part-time cleaners (B)to be part-time waitresses
 - (C)to take care of their homes and family members (D)to serve as tailors, cooks, or plumbers
- (C) 48 According to the passage, what do women do at the Mother's Camp beside sleeping and watching TV?
 - (A)writing diary (B)keeping notes (C)reading (D)having fun at the beach
- (D) 49 According to the passage, where is the only place at home that a mother can be by herself?
 - (A)living room (B)bedroom (C)kitchen (D)bathroom
- (D) 50 According to the passage, what is one of the biggest problems for American working women?
 - (A)studying (B)shopping (C)finding clean socks (D)house chores