鼎文公職 解題

最新考情課程諮詢

面、函授課程【憑准考證則享優惠】系

<u>線上解題:http://www.ezexam.com.tw</u>

電話:02-2331-6611

~#		號:3201 次:4-1 105年公務人員高	等考試三級考試	試題	
ě	類	科:各類科(除公職土木工程技師、公職	·醫事檢驗師、公職護E	里師、公職食品技師外)	
	科 目:法學知識與英文(包括中華民國憲法、法學緒論、英文)				
	-	試時間:1小時		號:	
	-				
	** 2	主意:(一)本試題為單一選擇題,請選出 <u>一個正確或最近</u> (二)本科目共50題,每題2分,須用 <u>2B鉛筆</u> 在試 (三)禁止使用電子計算器。	型當的 <u>合条,被</u> 進作合者, 以卡上依題號 <u>清楚</u> 劃記,於本	^{該超<u>个于訂分</u>。 以試題上作答者,不予計分。}	
C	1	憲法有關縣自治之規定,下列敘述何者錯誤?			
		(A)縣之立法權由縣議會行之	(B)縣長辦理縣自治		
		(C)縣長執行中央及省委任事項	(D)縣設縣政府,置縣長一	人,由縣民選舉之以	
C	2	公務員之懲戒,屬下列何種國家公權力之範圍?			
		(A)行政權 (B)監察權	(C)司法權	(D)考試權	
D	3	人民因為犯罪嫌疑被逮捕拘禁時,憲法規定至遲應抗	於多少時間內移送該管法院	審問?	
		(A)72 小時 (B)48 小時	(C)36 小時	(D)24 小時	
D	4	依憲法增修條文第 10 條之規定,國家對於下列何者	之政治參與應予保障?		
		(A)新住民 (B)身心障礙者	(G)外籍勞工	(1)僑居國外國民	
В	5	下列何者為公務人員保障法所稱之公務人員?			
		(A)擔任公營事業勞工	(B)擔任地方政府機關之科	長	
		Ø 擔任直轄市議會議員	~00擔任政務人員		
D	6	司法院大法官解釋之下述內涵:「衡諸人民可能受	罰之次數與累計負擔之金额	頁,相較於維護與確保之公	
		益」,「採取劃一之處罰方式,於個案之處罰顯然	過苛時,法律未設適當之訓	周整機制」,體現出下列何	
		種憲法原則?		1	
		(A)明確原則 (B)制衡原則	(C)平等原則	(D)比例原則	
В	7	憲法有關教育基本權之規定,其保障主體為何?		v.	
		(A)父母 (B)學生	(C)國家	0)教師	
A	8	依公民投票法第9條之規定,全國性公民投票案提	案人之領銜人以幾人為限?		
		(A)1 人	(B)3 人		
		(C)5 人	00該條條文針對此一領銜	人之人數並無設限	
A	9	下列何者屬於國家賠償法第3條之公有公共設施?			
		(A)二二八和平紀念公園之雕塑	(B)中國電視公司之攝影棚		
		(C)中影文化城之古城門及護城河	(D)民間航業公司所經營的	淡水渡輪	
A	10	下列公職人員,何者非由選舉產生?			
		(A)省政府主席 (B)直轄市市長 🗸	(C)縣長	(10)市長	
A	11	依憲法增修條文之規定,下列何者非屬行政院得向了	立法院提請覆議之議案?		
		(A)戒嚴案 (B)法律案	(C)預算案	(D)條約案	
D	12	有關立法委員兼職之限制,下列敘述何者正確?			
		LAO得兼任公營事業機關之總經理	(B)不得兼任官吏,但只限	於政務官	
		C)得兼任其他民意代表	(D)不得兼任公營事業機關	之董事	
C	13	關於憲法第80條法官須超出黨派以外之規定,下列	「敘述何者正確?		
		W法官於任職期間不得參加政黨,但得參加政黨活動	助		
		四法官退休後不得參加政黨、政治團體及其活動			
		C)法官任職前已参加政黨者,應退出之			
		M法官得參與政黨職務之選舉			
D	14	依憲法增修條文之規定,總統、副總統之選舉投票)			
		W總統、副總統候選人各有一張選票,分別投票			
		(C)總統、副總統候選人同列在一組,分別圈選	(D)總統、副總統候選人同	列在一組,圈選一組	

盟文公照

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頁次:4-2 B 15 依憲法之規定,下列何者須超出黨派以外,依法獨立行使職權? (A) 立法委員 (B)考試委員 (C)行政院院長 (D)總統府資政 下列有關鄉(鎮、市)規約之敘述,何者正確? A 16 (A)規約不得規定罰則 (B)規約發布後,應報內政部備查 (C)規約係指鄉(鎮、市)公所所訂定之自治規則 印規約與上級自治團體自治條例有無牴觸發生疑義時,由內政部解釋之 A 17 各機關受理人民聲請許可案件適用法規時,在處理程序終結前,據以准許之法規有變更者,於下列何種 情形,應適用變更前之舊法規? (A)依其性質應適用行為時之舊法規者 、IBI 舊法規有利於當事人且新法規已廢除所聲請之事項者 (C)舊法規有利於當事人且新法規已禁止所聲請之事項者 四當事人同意適用舊法規者 D 18 行政機關修改法令規定,減少退休公務員公保養老給付得辦理優惠存款金額之規定,主要涉及以下何種 法律原則? (A)平等原則 (C)法律明確性原則 B此例原則 (D)信賴保護原則 公務人員保障法第 1 條規定:「為保障公務人員之權益,特制定本法。本法未規定者,適用其他有關法 律之規定。」依本條規定可知,關於公務人員權益之保障,相對於其他公務員法規,其性質為: (B)例外法 (C)普通法 (0)原則法 C 20 涉及到規範性要素時(如猥褻文書),行為人除了要認識到實現該要素的自然事實外,還必須要認識到 下列何者,才能滿足故意的認知要求? (A)行為的違法性 风行為的道德違反性 (C)相關自然事實的社會意義 (D)客觀可罰性條件 C 21 某稅法之罰則規定,對違反者得科漏稅額2倍至5倍罰鍰,主管機關科以7倍罰鍰,屬於何種類型行政 裁量瑕疵? (A)裁量收縮 (B)裁量濫用 (C)裁量逾越 (D) 裁量怠惰 C 22 有關行政程序法第3條第3項事項適用之除外規定,不包括下列何種情形? (A)刑事案件犯罪偵查程序 (B)外交行為 (C)核發建造執照之程序 (D)私權爭執之行政裁決程序 C 23 依據中央法規標準法之規定,法規條文書寫體例格式中,冠以一、二、三等數字者為: (B)項 (C)款 (四)目 C 24 甲未經乙之許可,在乙之土地上種植蔬菜,並與丙訂立賈賣契約,將該尚未採收之蔬菜賣給內。下列敘 述,何者正確? (A) 因蔬菜為甲所種植,故甲為蔬菜之所有權人 (8) 丙與甲訂立買賣契約,故丙取得蔬菜所有權 Ø蔬菜長在乙之土地上,乙為蔬菜之所有權人 (D) 丙因與甲訂立買賣契約,故得對乙主張採收之權 A 25 關於承攬之瑕疵擔保,下列敘述何者錯誤? (A)定作人在承攬工作進行中發現有瑕疵時,不得主張瑕疵擔保請求權,須至工作完成時才能主張 (B) 承攬人的瑕疵擔保責任為一種無過失責任 (C)定作人主張瑕疵擔保請求權,應遵守瑕疵發現期間 (D) 承攬人之瑕疵擔保責任得以特約減輕或免除,但承攬人故意不告知瑕疵者,該特約無效

繼承人於繼承開始前,從被繼承人所受贈之下列何種財產,於繼承開始後不必先歸入被繼承人之總財產

(B) 因生日所受的贈與

(D) 因營業所受的贈與

中,計算各繼承人之法定應繼分?

W因結婚所受的贈與

(C)因分居所受的贈與

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(1) (個標準中因故意用犯罪・受有期徒刑以上刑之宣告者・撤銷其假釋 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	В	27	下列何者並非成立加	重結果犯的要件?					
Ca基本記集行為與加重結集則須具有因果網轉 3 28 關於假釋的第2敘述,下列何者錯論? 的假釋中因故意用犯罪,受有別能用以上刑之宣告者,撤銷其假釋 的假釋地路後。其出獄日數算入刑期內 C 29 下列行為,何者健善者作權? C 20 下列行為,何者健善者作權? C 20 下列行為,何者健善者作權? C 20 下列行為,何者健善者作權。 D 30 甲公司無論對於新確員工或一般員工皆有定期雖行性別平等相關訓練,亦有完整之申訴處理機制;一日 乙與其同事丙一同出發,內蓋口管療育足期雖行性別平等相關訓練,亦有完整之申訴處理機制;一日 乙與其同事丙一同出稅,內蓋中與索維養對於乙之長期不滿,並以性種樣之言語證釋之,且企體性侵害不成。乙身心受別乃向甲申訴,立餘實存甲丙戌依別工作平等法,賠償其因此而遭受之精神上損害以及無法工作期間之賠償;惟內所有資產皆囚稅欠卡債而遭法院拍賣,無償避能力,乙遂單獨向甲請求,有理否? (必無理,丙之行為,並非在事業場所內發生,申之防治責任,不及於此 切無理。甲對於負工已有定期訓練,並建置完善之防治機制,已盡到雇主之责任,而丙之私人行為,不應由甲負責 (公無理,有關於性侵害之行為,不是性別工作平等法所規範的性驅援防治之範圍,甲無須擔負任何雇主責任 (32) 有關於性侵害之行為,不是性別工作平等法所規範的性驅援防治之範圍,甲無須擔負任何雇主責任 (33) 不是性別工作平等法所規範的性驅援防治之範圍,甲無須擔負任何雇主責任 (34) 如何可以 (35) 如何以 (45) 如何以 (46) 如何以			(A)行為人是出於故意	犯基本犯罪行為	(B)行為人不能預見	加重結果的發生			
图於假釋地類故意稱之報。下列何者錯論? 《他假釋中因故意稱犯罪。受有期後刑以上刑之宣告者,撤銷其假釋 《他假釋中因故意稱犯罪。受有期後刑以上刑之因告者,撤銷其假釋 《他假釋的國故意稱犯罪。受有期後刑以上刑之知 《四在無期徒刑假釋後滿二十年,其未執行之刑,以已執行論 下列行為。何者侵害著作權? 《問題合法電影光際,用以出租他人 《的指據公園中的雕像。並將照片貼於公開之網頁 《別於餐廳中以附有廣管器之設備播放廣遊節目 《別為輯教育部等定之教料書,於合理範圍內,重製該已公開發表之著作 中公司無論對於新進員工安,稅員工管有定期進行生別平等相關訓練,亦有完整之申訴處理機制;一日 乙與其同事可一同出差。所該日突然機會對於乙之長期不滿,並以性騷擾之盲語蓋辱乙,且企園性侵害 不成,乙身心受創乃向甲申訴,並請求甲及丙依性別工作平等法,賠償其因此而遭受之精神上損害以及無法工作期間之陪留;惟內所有資產皆因帮欠、代債而遺法院拍賣,無償還能力,乙遂單獨向申請求,有 理否? 《納無理,两之行為,並非在事業場所內發生,甲之防治責任,不及於此 《節無理,再對於負工已有定期訓練,並建置完善之防治機制,已盡到服主之責任,而丙之私人行為,不 應由甲負責 《無理,有關於性侵害之行為,不是性別工作平等法所規範的性騷擾防治之範圍,甲無須擔負任何雇主 責任 即有理,樣使甲可舉證其已依法採行各種防治性騷擾之措施,且對該事情之發生已盡力防止仍不免發生,但法院仍可因為乙之請求,甚虧甲及乙之經濟狀況,令甲為全部或一部之損害賠償 第13 Studying Latin is helpful for enlarging one's vocabulary in English, since so many English words from Latin. 《4) bombard 《5) derive 《7 compile (10) formulate To have secess to the confidential documents, one needs special from the headquarters. 《4) Anatomy 《5) Pantomime 《7 traitor (10) Valor C 34 Christine longed for some breathing space in her relationship because she felt by his nearly 24-hour company over the past few weeks. 《4) delighted 《5) dedicated 《5) suffocated (2) terminated A 35 The US Supreme Court rules that, barring circumstances like child abduction or a ticking time bomb, the Fourth Amendment of the US Constitution requires police to get a warrant before examining a cell phone after an arrest. This ruling makes our digital privacy no "less worthy of the protection for which the Founders of our nation fought." (6) Under certain extreme conditions, the Fourth Amendment can be temporarily suspended. (6) The police needs to get the authorities' approval to search any suspect's cell phone.			(C)基本犯罪行為與加	重結果間須具有因果關聯					
砂優釋中因故意再犯罪・受有期徒刑以上刑之宣告者,撤銷其银釋 砂優釋散銷後,其出獄日數算入刑期內 〇故銷懷釋者,其刑罰尚未執行完單,自無由成立累犯 〇母無期徒刑候釋後流二十年,其未執行之刑,以已執行論 下列行為,何者侵害著作權? ⑷勝賈合法電影光碟,用以出租他人 昀拾籍公園中的糠條,並將照月貼於公開之網頁 ⑺為韓輔教育部審定之教科書,於合理範圍內,重製該已公開發表之著作 □ 中公司無論對於新進員工或一般員工管方定期避行担押等者相關訓練,亦有完整之申訴處理機制;一日 乙與其同事內一同出差,丙該日安洗燉發對於乙之長期不滿,並以性騷擾之言語蓋辱乙,且企體性侵害不成,乙身心受創乃向甲申訴,並請求甲及丙依性別工作平等法,賠值其因此而遭受之精神上損害以及無法工作期間之賠償;惟丙所有資產管因積欠卡債而遭法院拍賣,無償避能力,乙遂單獨向甲請求,有理否? 均無理,內之行為,並非在專業場所內發生,甲之防治責任,不及於此 印無理,內之行為,並非在專業場所內發生,甲之防治責任,不及於此 印無理,內國於性侵害之行為,不是性別工作平等法所規範的性騷擾防治之範圍,甲無須擔負任何雇主責任 印海理,賴除性侵害之行為,不是性別工作平等法所規範的性騷擾防治之範圍,甲無須擔負任何雇主責任 印海理,賴除性侵害之行為,不是性別工作平等法所規範的性軽擾防治之範圍,甲無須擔負任何雇主責任 印海理,賴除性侵害之行為,不是性別工作平等法所規範的性軽擾防治之範圍,甲無須擔負任何雇主責任 印海理,有關於性侵害之行為,不是性別工作平等法所規範的性軽擾防治之範圍,甲無須擔負任何雇主責任 百分期,持衛中及乙之經濟狀況,令甲為全部或一部之損害除價 日本財政 日本財政 日本財政 日本財政 日財政 日本財政 日	В	28			THE STATE OF THE S				
(6) 假釋撤銷後・其出獄日數算人刑期內 (7) 敬籍釋者,其刑罰尚未執行完單,自無由成立累犯 ①在無期徒刑假釋後滿二十年,其未執行之刑,以已執行論 (7) 29 下列行為,何者侵害著作權? (8) 的指疑公園中的雕像,並將照片贴於公開之網頁 (7)於餐廳中以附有類音器之設備播放废頒節目 ①為編輯教育部審定之教科書,於合理範圍內,重製該已公開發表之著作 即公司無論對於新進員工或一般員工皆有定期進行性別平等相關訓練,亦有完整之申訴處理機制;一日 乙與其同事內一司出差,乃該日突然爆發對於乙之長別不滿,並以性騷擾之言語證時乙,且企圖性侵害 不成,乙身心受劍乃向甲申訴,並請求申及丙依性別工作平等法,賠償其因此而遭受之精神上損害以及無法工作期間之賠償;惟丙所有資產皆因積欠卡債而遭法院拍賣,無償選施力,乙遂單獨向甲請求,有 理否? (7) 納理,內之行為,並非在事業場所內發生,甲之防治責任,不及於此 (8) 無理,甲對於員工已有定期訓練,並建置完善之防治機制,已盡到雇主之責任,而丙之私人行為,不應由甲負責 (7) 行理,,從使甲可舉證其已依法採行各種防治性騷擾之措施,且對該事情之發生已盡力防止仍不免發生,但法院仍可因為乙之請求,基酌甲及乙之經濟狀況,令甲為全部或一部之損害除價 (8) 打破,继使甲可舉證其已依法採行各種防治性騷擾之措施,且對該事情之發生已盡力防止仍不免發生,但法院仍可因為乙之請求,基酌甲及乙之經濟狀況,令甲為全部或一部之損害除價 (9) 打破,從使甲可舉證其已依法採行各種防治性騷擾之措施,且對該事情之發生已盡力防止仍不免發生,但法院仍可因為乙之請求,基酌甲及乙之經濟狀況,令甲為全部或一部之損害除價 (10) 有如,继使甲可解證其已依法採行各種防治性騷擾之措施,且對該事情之發生已盡力防止仍不免發生,但法院仍可因為乙之請求,基酌甲及乙之經濟狀況,令甲為全部或一部之損害除價 (10) 有如相往在(10) 在可知相往在(10) 在可知知相往(10) 在可知知相往(10) 在可知知相往(10) 在可知知相往(10) 在可知知相往(10) 在可知知相往(10) 在可知知相往(10) 不可知知相往(10) 不可知知相往(10) 不可知知相往(10) 不可知知知知如以中时中自然可以中时中自然可以中时中的中的中的中的中的中的中的中的中的中的中的中的中的中的中的中的中的中的中									
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田 公司無論對於新進員工或一般員工皆有定期進行性別平等相關訓練,亦有完整之申訴處理機制;一日 乙與其同事丙一同出避,丙該日突然爆發對於乙之長期不滿,並以性騷擾之言語差辱乙,且企圖性侵害 不成,乙身心受創乃向甲申訴,並請求甲及丙依性別工作平等法,賠償其因此而遭受之精神上損害以及 無法工作期間之賠償:惟丙所有資產皆因積欠卡債而遭法院拍賣,無償還能力,乙遂單獨向甲請求,有 理否? (公無理,丙之行為,並非在事業場所內發生,甲之防治責任,不及於此 切無理,甲對於員工已有定期訓練,並建置完善之防治機制,已盡到雇主之責任,而丙之私人行為,不 應由甲負責 (公無理,有關於性侵害之行為,不是性別工作平等法所規範的性騷擾防治之範圍,甲無須擔負任何雇主 責任 (四有理,縱使甲可舉證其已依法採行各種防治性騷擾之措施,且對該事情之發生已盡力防止仍不免發生, 但法院仍可因為乙之請求,斟酌甲及乙之經濟狀況,今甲為全部或一部之損害賠償 B 31 Studying Latin is helpful for enlarging one's vocabulary in English, since so many English words from Latin. (A) bombard									
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arbitut pittuoj.		(D) The founders of the USA also fought for their digital privacy.							

鼎文公職 解題

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請依下文回答第 36 題至第 40 題
It would be quite naive to expect a life without conflict, naive and boring. After all, as we struggle to find solutions,
conflict leads to new ways of thinking. Nothing ever 36 in a world without conflicts. We see this in our lives; we
see this in science. In fact, in science crises are essential: without them there is no37(A life lived in harmony)
a life without conflict. It must be a life where conflict leads to growth. Harmony is not the absence of conflict.
It is the state in which conflict leads to positive change. Harmony is dynamic, not static. Innovation and growth
challenge the status quo, shaking the very foundations where most base their values. Change only comes when we are

ready to embrace it; change needs 39. It is much easier to plant our feet in the traditional, the convenient, in what does not force us to reexamine our views. No one likes to be wrong. This is why great innovation comes with 40, often bloody. The blood that is spilled is not always the one coursing through our veins: it is the blood of conviction, of prejudices, of deep-seated ideas that are abandoned by the inexorable force of reason.

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C	36	(A) forsakes	® chooses	(C) changes	(I)) reports
A	37	(A) innovation	(B) place	(C) time	(D) relationship
A	38	(A) can't be	(B) isn't that	(C) is what	(D) must do
В	39	(A) rhetorical questions	(B) open minds	(C) no evaluation	H-weak links
Α	40	(A) revolution	(B) information	(C) tradition	(D) conjunction
	請依	下文回答第 41 題至第 45	題		

E-waste is being produced on a scale never seen before. Computers and other electronic devices 41 obsolete in just a few years, leaving consumers with few alternatives but to catch up by buying newer models. Tens of millions of tons of computers, TVs, VCRs, monitors, cell phones, and other gadgets 42 each year. Unfortunately, in most parts of the world, the bulk of all this e-waste 43 landfills, where it poisons the environment. This is because it contains a variety of toxic 44 such as lead, mercury, and arsenic that leak into the ground. In theory, recycling seems to be a good 45. However, the problem is that a large percentage of e-waste dropped off for recycling in rich countries is sold to the developing world, where its toxin may threaten the health of people living there.

C	41	(A) beget	r(B) begot	(C) become	(D) became
В	42	(A) is discarded	(B) are discarded	(C) is disputed	(D) are disputed
D	43	(A) end at	(B) ends up	(C) end up to	(D) ends up in
C	44	(A)-subtitles	(B) subsidies	(C) substances	(D) subordinates
Α	:45	(A) solution	(B) pollution	(C) salutation	(D) population
	洁/太	下分同类学 46 照云等 50 月	lei		• •

請依下文回答第 46 題至第 50 題

At 16, Maya Angelou became San Francisco's first black female streetcar conductor. Her first book, I know Why the Caged Bird Sings, tells us her early life. Its unsparing account of black life in the South during the Depression and of her sexual abuse is not easy reading. But her tough, funny, lyrical voice transforms her story into a hymn of endurance that influenced later memoirists. Her own obituary sums up her life: "Love is that condition which encourages us to build bridges and to trust them and cross them in attempts to reach other human beings."

- A 46 What can we infer from the passage?

 (A) Growing up in the American South was tough for her.

 (B) Her first book was difficult to understand.

 (C) She used to be a bird lover.

 (D) Streetcars did not welcome black female passengers.

 B 47 Why was her first book influential?
- (A) Because she sang like a caged bird.
 (B) Because her unique voice was inspiring.
 (C) Because her style was not easy to follow.
 (D) Because she wrote her own obituary.

 B 48 Who are most likely influenced by her writing style?
- B 48 Who are most likely influenced by her writing style?

 (A) tour guides.

 (B) memoir writers.

 (C) monument builders.

 (D) souvenir sellers.
- (A) She published her first book at 16.
 (B) She liked to build bridges in her free time.
 (C) Her last words were pessimistic.
 (D) Her attitude toward life was positive.

 B 50 Which statement best paraphrases Angelou's definition of "love"?
- (A) Love is irresistible.
 (B) Love enables us to connect with others.
 (C) Love makes the world sink.
 (D) Love is spontaneous.